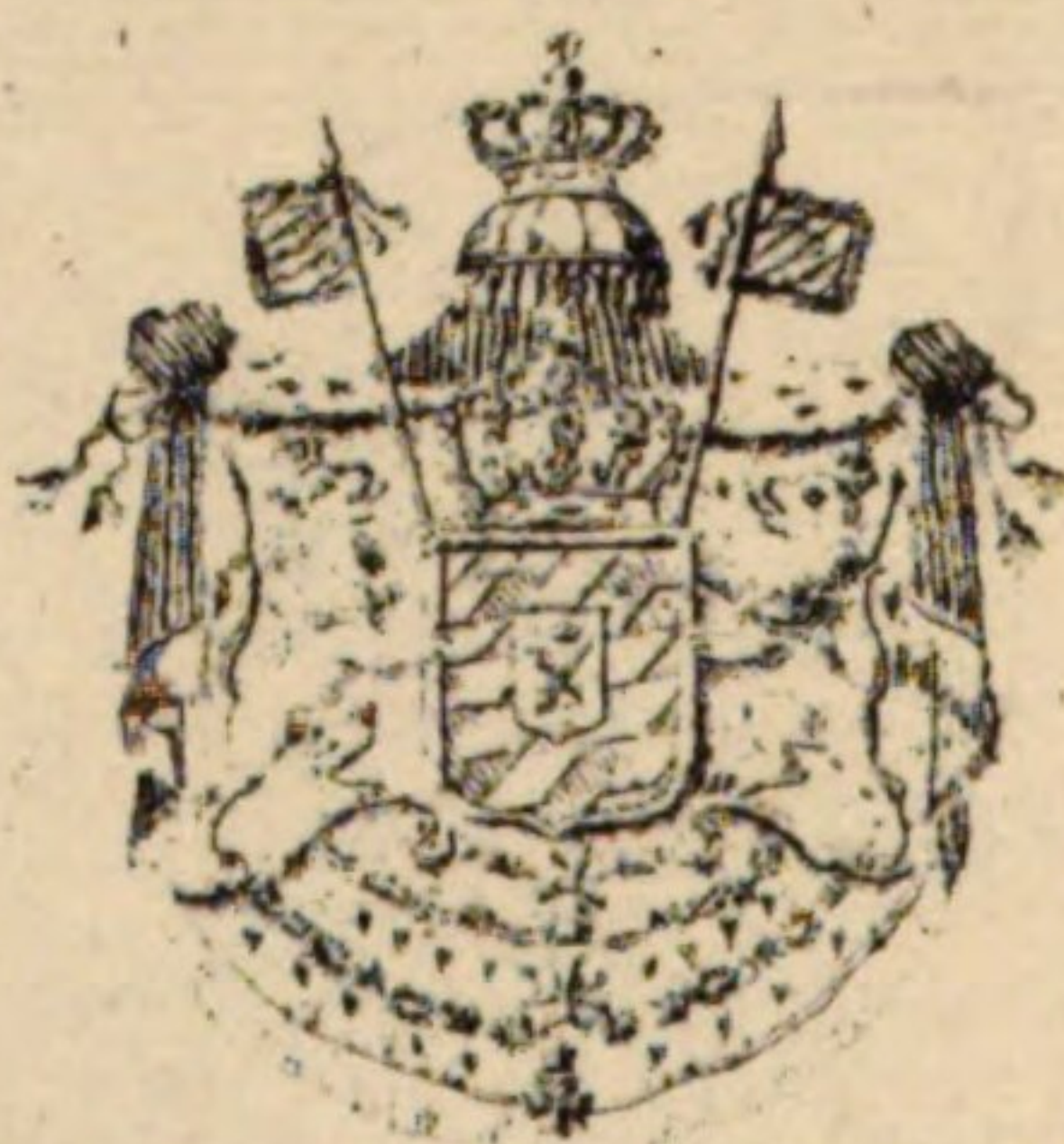




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HISTORICAL TRACTS:

BY

SIR JOHN DAVIES,

ATTORNEY GENERAL,

AND

SPEAKER OF THE HOUSE OF COMMONS IN IRELAND;

CONSISTING OF

- | | |
|---|---|
| 1. A DISCOVERY OF THE TRUE CAUSE WHY IRELAND WAS NEVER BROUGHT UNDER OBEDIENCE OF THE CROWN OF ENGLAND. | 3. A LETTER TO THE EARL OF SALISBURY, IN 1610; GIVING AN ACCOUNT OF THE PLANTATION IN ULSTER. |
| 2. A LETTER TO THE EARL OF SALISBURY ON THE STATE OF IRELAND, IN 1607. | 4. A SPEECH TO THE LORD-DEPUTY IN 1613, TRACING THE ANCIENT CONSTITUTION OF IRELAND. |

TO WHICH IS PREFIXED

A NEW LIFE OF THE AUTHOR,

FROM AUTHENTIC DOCUMENTS.

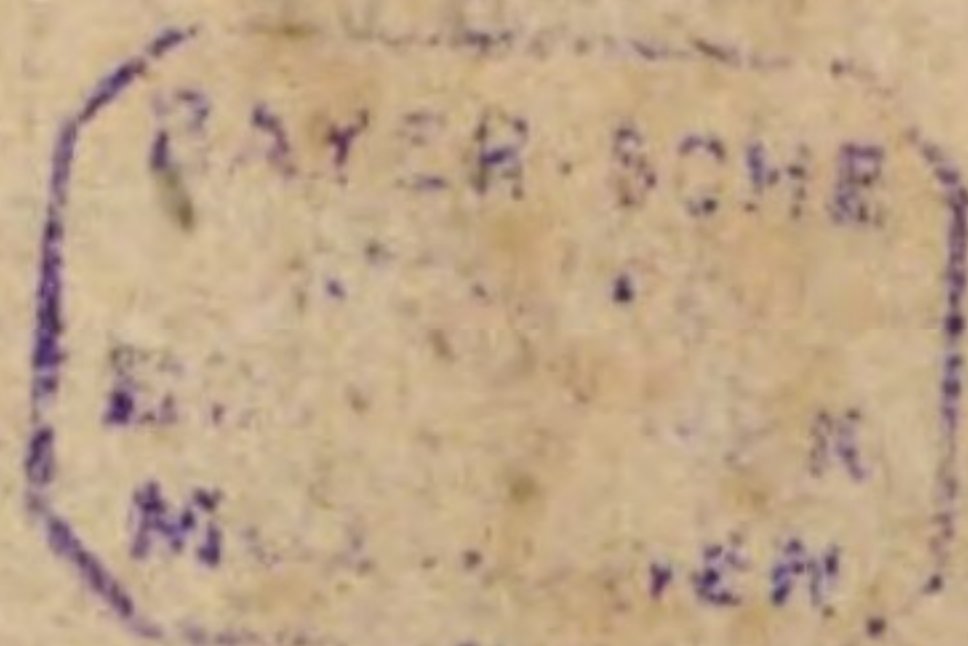
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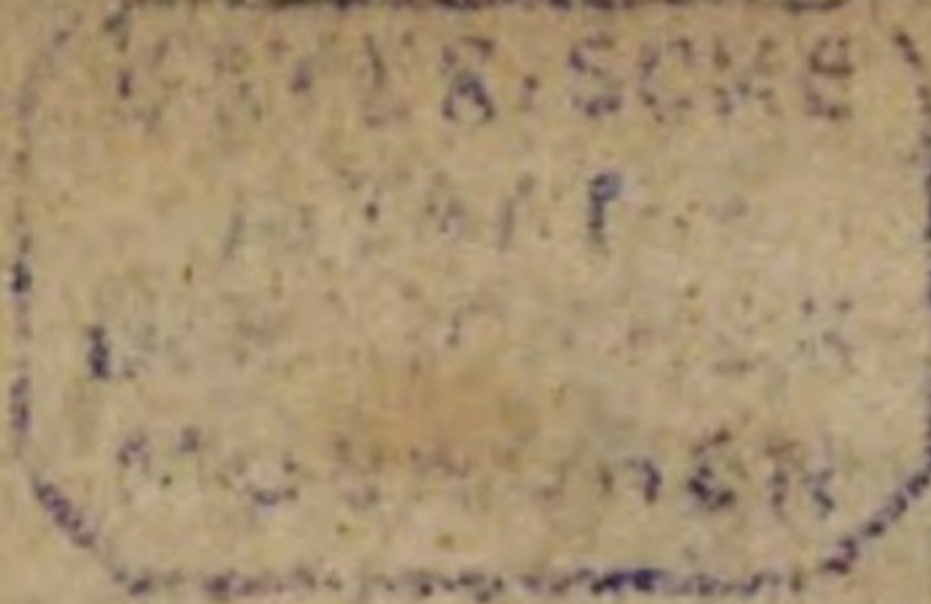
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A D V E R T I S E M E N T.

THE Editor presumed to think, that he could not do a more acceptable service to the public, at a time when the acknowledged independence of Ireland prompted the inquiries of many gentlemen with regard to its previous history and former constitution, than by publishing the Historical Tracts of Sir John Davies, with a new life of the celebrated Author, from whom every reader of his writings derives so much pleasure and instruction.

The first Tract is *The Discovery of the true Causes why Ireland was never subdued*, which is reprinted from the first edition, and freed from the errors of the subsequent ones—The second is *The Epistle to the Earl of Salisbury, as to the State of Ireland in 1607*; which, Anthony Wood informs us, was formerly in the library of Sir James Ware; but which is now printed from a copy among the Harleyan MSS. in the Museum.—The third Tract is *A Letter to the Earl of Salisbury in 1610*, giving an account of the plantation in Ulster; which is printed from the original, among the Harleyan MSS. in the Museum. And the last is the learned *Speech*, which Sir John made to the Lord Deputy, when he was approved of as Speaker of the Irish Parliament, in 1613. This, Anthony Wood asserts, was formerly in the library of the Earl of Clarendon. It is now printed from a copy in the *Museum*, compared with that published by Dr. Leland. And the Editor humbly hopes, that these *Tracts* furnish such a body of information with regard to Ireland, as will, in the present moment, be both useful and agreeable.

London, June 1, 1786.

T H E
L I F E
O F
S I R J O H N D A V I E S.

SIR JOHN DAVIES was one of that illustrious body of lawyers, who, at the commencement of the last century, adorned England by their learning, and by their writings advanced its jurisprudence.

He was the third son of John Davies, of Tisbury in Wiltshire, who, having been of New Inn, returned to his native place from the practice of the law *, with such a fortune as enabled him to give his children very liberal educations. Young Davies, when he was not yet fifteen, was sent to Oxford, in Michaelmas term 1585,

* Anthony Wood, and his followers, speak of Sir John Davies as the son of a *tanner* at Chisgrove, in the parish of Tisbury. But the books which record the admission of the son into the Middle Temple Society, say expressly, that the father was *late of New Inn, gentleman*. The mother was Mary, the daughter of Mr. Bennet, of Pitt-house, in the same county. The Davys's, as the name was then spelt, were originally of Wales. The founder of the Wiltshire family came into England with Sir William Herbert, who was created Earl of Pembroke by Edward VI. and settled in his neighbourhood.

where he became a commoner of Queen's College, which has reared so many men, eminent for literature. Having an acute mind, an attentive tutor, and what is seldom the companion of genius, great application, he soon acquired a considerable share of academic knowledge. His writings, which abound in classic allusions, are sufficient proofs of his scholastic acquirements. He obtained the degree of Bachelor of Arts, in July 1590, as appears from *the Fasti*.

Davies removed, mean while, from Queen's to the Middle Temple, in February 1587-8*. In this learned society he found an extensive field, on which to display his talents. As he abridged, at a subsequent period, the elaborate Reports of Sir Edward Coke, we might infer, that he was a severe reader, if his own works did not evince how much he exerted a laudable industry in every situation. But he was high-spirited, perhaps quarrelsome; and he interrupted his own studies, and the quiet of the Inn, by misdemeanors, for which he was fined, and by disorders, for which he was removed from commons. In proportion as the discipline of those times was rigid, were the manners of the students licentious†. With the relaxation of discipline, disorders gradually disappeared. To young men of superior acquirements,

* As appears from the Society's books, which have been diligently inspected for notices with regard to Sir John Davies,

† The books of the Society are, at that period, full of fines and other punishments of the students, for breaches of the rules of the house.

much was forgiven, by discerning benchers; and Davies, after all his frolics, was, alone, called to the degree of utter barrister, in July 1595.

In an age when promotion was gradual and slow, Davies, probably, did not advance fast in his profession, against such powerful competitors as Coke, Bacon, and other eminent lawyers. He was, indeed, thrown several years behind by his own indiscretion. “ Upon some little provocation,” as Anthony Wood relates, “ he bastinadoed Richard Martin, while they were at dinner in the Temple-hall.” This was, doubtless, a grievous offence against the severe manners of those times, and indeed against the punctilious civility of any times: and in February 1597-8, Davies was expelled, by the unanimous suffrages of a society, whose privileges he had forfeited, by an offence, dangerous to its members, and destructive of its credit. Of this outrage we are left by Wood to guess the provocation. Davies and Martin were both poets, and both wits, a race more forward to offend than patient to suffer: and the facetiousness of Martin, which set the Temple table in a roar, and is said to have charmed King James, probably incited the indignation rather than the mirth of Davies. The *bastinado* did not, however, prevent Martin, who had been himself guilty of youthful pranks*, from rising to great eminence; from being the

* There is the following entry in the Middle Temple book: 8th February 1591. It is also ordered, that Mr. Fleetwood and Mr.

the reader of his society, recorder of London, and member of parliament; from enjoying the esteem of Selden, Ben Johnson, and other men of learning and genius, who lamented his premature death, in 1618.

Davies now returned to Oxford, *in the condition of a sojourner*, according to Wood, but with a mind improved by adversity. He, indeed, says himself,

This *mistress* lately pluck'd me by the ear,
And many a golden lesson hath me taught;
Hath made my *senses* quick and *reason* clear,
Reform'd my *will*, and rectify'd my *thought*.

Under this shelter, and with these *golden lessons*, our author composed his poem on *the Immortality of the Soul*, which he published in 1599, and entitled, NOSCE TEIPSUM. If in this short period he composed this work, which Wood calls *divine*, he must have possessed very vigorous faculties. For we every where meet with systematic arrangement, metaphysical exactness, reach of thought, and elegance of diction. But his predominant quality is copiousness of illustration. Speaking of the tendency of *affliction* to make the *mind* shrink within herself, he thus illustrates a truth, which most men have unhappily felt :

As spiders, touch'd, seek their web's inmost part;
As bees, in storms, back to their hives return;
As blood, in danger, gathers to the heart;
As men seek towns, when foes the country burn.

In

Mr. Martin be expelled for their abuses and misdemeanors by them offered to the master and benchers of this house.

In a strain of wit and gallantry, which may have furnished patterns to Cowley and Waller, our author dedicated his elaborate production to Queen Elizabeth ;

To that clear majesty, which, in the north,
Doth, like another sun, in glory rise,
Which standeth fix'd, yet spreads her heav'nly worth :
Loadstone to hearts, and loadstar to all eyes.

Elizabeth was sufficiently eager of praise, which she received as due to her charms, even in the decline of life, as much as to her wisdom, when her government was most respected ; but she too seldom extended her patronage to the greatest genius. This poem, however, procured him the notice of the great, and perhaps laid the foundation of his future fortune. When it was republished, in 1622, it was much extolled, says Wood, by scholars of all sorts. Nahun Tate gave a third edition of *NOSCE TEIPSUM*, in 1699, to which he appended a preface, which is said to be much beyond the powers of the editor, however much it celebrates the *author*, as a *good poet* and *exact philosopher*. The late well known biographer of Garrick published this, with other poetical works of Sir John Davies, in 1773, when a fresh laurel was placed by the critics on the poet's head.

This first essay to gain the favour of Elizabeth was, however, attended with such success as to incite our author's perseverance. He praised the queen through six and twenty *acrostics*, which, with unexampled address,

dress, he begins every one with *Elizabetha Regina*. The gaiety, the neatness of phrase, the fancy, of these encomiastic sonnets would do honour to any poet. And he would deserve yet greater praise, if we could believe that he was induced by *wonder*, rather than led by *mercenaryness*; as he asserts in the concluding sonnet, which he addressed to *Envy*:

Respect my pen as free and frank,
 Expecting not reward nor thank,
 Great wonder only moves it;
 I never made it mercenary,
 Nor should my muse this burden carry,
 As hired, but, that she loves it.

Davies was now considered as a professed wit, and at length enjoyed the notice, which greatness often yields to genius. When the queen was to be entertained by Mr. Secretary Cecil, our poet was summoned to furnish his share of gratulations. And he has left us* *a conference between a gentleman usher and a post, before the queen, at Mr. Secretary's house*. This dramatic effort of our author's muse does him no great credit as a poet, however much it may have delighted the hearers, who came prepared to be pleased. On the other hand, few of our greatest dramatic writers could have produced the *nosce teipsum*, or the acrostics. Yet, the characters are well preserved: like a man of business, the post is only anxious to see the Secretary, that he may deliver his dispatches, according to his orders.

The

* Harl. M S. British Museum, No 286.

The gentleman usher speaks in the complimentary style of a person, who had been a *quarter waiter* for *fifteen years* at court. Of the queen he says, that she makes the same use of her ministers, as the mind makes of the senses; many things she sees and hears through them; but the judgment is her own; that she speaks and understands all the languages in the world, which are worthy to be spoken and understood; that for wisdom, she is as inwardly suitable as she is externally admirable; and, that besides all her other perfections, the earth hath not such a princess for affability. Emboldened by these representations, the poet in the end delivered to the queen herself, his letters from the emperor of China. Elizabeth sometimes, we know, *rubbed up her rusty latin*, to speak to foreign ambassadors. But, whether she understood the Chinese, the gentleman usher has not told us. There is a fashion in flattery, as in every thing else: it was then the vogue to be pointed and direct. And such were the encomiastic strains by which our author, while he was yet young, contended for the queen's favour, and her minister's patronage.

Davies was ere long called to play his own part in a drama of greater dignity. He was chosen (though by what influence, it is now impossible to tell) into the last parliament of Elizabeth, which met on the 27th of October, 1601. He appears* to have been extremely active in moving useful bills, and to have

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* From D'Ewe's Journal, p. 649 - 656 - 85.

been a strenuous supporter of the privileges of the house, while it was not yet quite safe. He spoke manfully in the great debate about monopolies, insisting, that the house ought to proceed against them by *bill*, and not by *petition*. It is rather remarkable, that his old antagonist Martin maintained the other side of the question. On this occasion, it was, that Hakewell asked, *If bread was not in the long list of monopolies?* Elizabeth, perceiving the house so greatly agitated as to disregard her minister's apologies, thought it prudent to recall the patents. And Davies was sent on the grand Committee, to thank the queen for relinquishing projects, which, happy had it been for prince and people, had the legislature on this occasion abolished by statute,

Davies had now acquired a station of some eminence, at a time of life when friendships are easily formed. And he ardently wished to be restored to the privileges and profits of a society, "amongst whom, as he declared, he had received his chiefest education, and "from whence he expected his best preferment." After some delay, and in consequence of ample submission before Chief Justice Popham, and other Judges, he was restored, in Trinity term 1601, to his former rank; Martin, at the same time, forgiving an injury, which both probably wished to forget. It was by the favour of Lord Ellesmere, says Wood, that he was restored to his chamber. Certain it is, when Davies dedicated his Law Reports to that illustrious Chancellor, and worthy man, he acknowledged, that Lord Ellesmere

mere “ had been a *good angel* unto him, and what
 “ might carry a shew of *adulation* in another, must
 “ needs be thought *gratitude* in him.”

With the influence of such patronage, and the aid of great abilities, Davies continued to rise in his profession, till the demise of Elizabeth. New prospects opened to him, with the commencement of a new reign. If we may believe the great Bacon, there was, on that memorable event, a *continual posting of men of good quality towards the king*. Davies *posted* with Lord Hunfdon to Scotland, in order to offer his adorations to the rising sun: and being, among other English gentlemen, introduced to James, the king, says Wood, straightway asked, if he was NOSCE TEIPSUM? and receiving for answer, that he was the same, his majesty graciously embraced him. This conduct was truly characteristic of James, who is known to have been of much more familiar manners than Elizabeth, and still more forward to distinguish less merit than Davies possessed. If Bacon did not accompany Davies, he wrote to him, as he had done to every other person, who, he thought, could *impress a good conceit of a concealed poet*. Davies was an *avowed poet*; Bacon a *concealed one*. And we may determine, with regard to the friendship that then subsisted between these great lawyers and eminent scholars, from the terms in which Bacon desires Davies “ to perform
 “ to me all the good offices, if there be any nibbling
 “ at my name, which the vivacity of your wit can
 “ suggest to your mind to be performed to one, in
 “ whose

“ whose affections you have so great sympathy, and in
 “ whose fortune you have so great interest *.” This
 correspondence continued while Davies could be of use
 to Bacon; but it ceased when Bacon had advanced
 before Davies in the rank of their profession. Such is
 the instability of friendships between men who run for
 the same prize; whether for the distinctions of literature,
 or for the honours of life.

It was to the patronage of Sir Robert Cecil, as much
 as to the favour of James, that Davies was sent, in
 1603, solicitor-general to Ireland, and immediately
 appointed attorney-general. These offices required, at
 that time, men as remarkable for prudence, as distin-
 guished for knowledge. This nation had been long
 harassed by civil war, and a wise policy dictated, that
 a total oblivion should cover many treasons, and uni-
 form laws administer universal right. And, therefore,
 as he himself tells us †, the number of judges was in-
 creased, which do now, every half year, (like good
 planets in their several spheres) carry the light and influ-

* This letter is published in Bacon's works. Among the Birch
 MSS. in the British Museum, No. 4108, there is a letter from
 Bacon to Davies, when attorney-general in Ireland, in which he
 says, “ I would be glad to hear often from you, and to be advertised
 “ how things pass, whereby to have some occasion to think some
 “ good thought; though I can do little, at least it will be a conti-
 “ nuance in the exercise of our friendship, which on my part remain-
 “ eth encreased, by that I hear of your service, and the good respect
 “ I find towards myself; and so I continue.”

† In his Discovery.

ence

ence of justice round about the kingdom ; whereas the circuits, in former times, went but round about the *pale*, like the circle of the Cinofura about the pole. Upon these visitations of justice, whereby the honourable law of England was communicated to all the Irish, there ensued such comfort in the hearts of all men, as thereupon followed the most universal peace that ever was seen in Ireland. Davies was highly qualified for his station : and he was soon appointed one of the judges of assize, who, for the first time, ever visited several counties of Ireland, and who taught, at length, a rude people the difference between the tyrannic oppression of their ancient customs, and the mild influence of just government. In all these situations, Davies obtained the praises of his superiors, as a *painful and well deserving servant of his majesty*.

It was on these circuits, probably, which enabled him to visit every province of Ireland, that he met with Eleanor, the third daughter of Lord Audley, who, having distinguished himself in the Irish wars, now enjoyed dignified ease, among a people that admired his valour. This lady he married : but, from her eccentricity of temper, he could not derive much domestic happiness. She brought him only one son, who died a youth, in his father's life, and one daughter Lucy, who, having married Ferdinando Hastings, carried the blood of Davies, with his fortune, into the family of Huntingdon.

With the extension of law over a more quiet people,

law-suits necessarily increased; and as the business of the courts of justice augmented, the practice of Davies also extended, in proportion to the greatness of his station and his talents. He was called to the degree of serjeant at law, in Trinity term 1606, and received the honour of knighthood, on the 11th of February 1607. These promotions he owed to the patronage of Lord Ellesmere and the Earl of Salisbury, with whom he corresponded. Sir Edward Coke was at the same time called to the degree of serjeant, being appointed chief justice of the common pleas. But Sir Francis Bacon was still left undistinguished behind, to the infinite mortification of an ambitious mind.

Sir John retained his office of attorney-general of Ireland, notwithstanding his degree of serjeant, the king having specially dispensed with his presence in England. These honours, we may easily suppose, did not lessen his practice, or his credit; and there remains sufficient evidence, that he did not discontinue his accustomed diligence. The lord deputy having determined, in July 1607, to make a judicial progress through the counties of Monaghan, Fermannagh, and Cavan, which were then the most unreformed parts of Ulster, joined the attorney-general, with the chief justice, as one of the judges of assize, for performing this unwelcome service. Sir John wrote the earl of Salisbury a very elaborate account of this circuit, which is now first published*.

And

* From a copy among the Harl. MSS. British Museum.

And in this mirror we may see the ancient condition of Ireland, in its hideous colours. Though the lord deputy and judges were to pass *through the wastest and wildest* parts of all the north, says our author, yet we had only for our guard, six or seven score foot, and fifty or three score horse, which is an argument of a good time, and a confident deputy. To have performed this service in former times, would have required an army. But, as he says, the clock of civil government was now well set. These frequent assemblies at assizes and sessions reclaimed the Irish from their wildness, and caused them to convert their mantles into cloaks, to conform to the manner of England in their outward forms. The neglect of the law is said to have theretofore made the English degenerate and become Irish; but now the execution of the law made the Irish grow civil, and become English.

Sir John was sent to England with the chief justice, in 1608, in order to represent to King James the effects which the establishment of public peace, and these progresses of the law, had produced, since the commencement of his reign. He was praised by those who sent him as an officer, at once able and attentive. And he was received by his *good angel*, the chancellor, and by his first patron, the earl of Salisbury, with renovated kindness.

From two acute observers, who had made many circuits through the provinces of Ireland, the Ministers doubtless

less procured accurate information with regard to the projected plantation in Ulster. This salutary work had been long in contemplation; lest, as Bacon expresses it, Ireland, *civil*, should become more dangerous than Ireland, *savage*. And it was at length carried into execution, by settling a more industrious race from England and Scotland, with a success which at once conferred celebrity on the prince, and happiness on the kingdom. Of the manner in which this great enterprize was executed, Sir John wrote the Earl of Salisbury in 1610, the letter that is now first published*. We here meet the same learning, elegance, and information, as abundantly occur in his other writings. And we are moreover instructed with regard to the mode of performing one of the most difficult tasks of legislation, the reducing of a people from barbarism to civility. In executing this celebrated work, our author acted no useless or ignoble part.

Among his most laborious avocations, Sir John employed much of his time in studying the complicated history of Ireland, and in tracing, through various revolutions, the origin of its laws, and the progress of its constitution.

He published the result of his inquiries in 1612, under the well-known title of *A Discovery of the true Causes why Ireland was never entirely subdued till the beginning of his Majesty's Reign*. This elaborate performance

* From one of the Harl. MSS. British Museum.

formance he dedicated to the King in a Latin line, which imported, that it is the first duty of a prince to know his own dominions. This is now republished for the fourth time in the present collection. Among historians we seldom meet a work containing more accurate research, more philosophical remark, or more varied language. In this tract may be found as much as most readers wish to know of the story of a people, who long continued barbarous, from the infelicity of their Brehon institutions, and of a government, which for centuries remained subordinate, from its vicinity to a greater power. He traces from the most authentic documents, step by step, through four centuries, how Ireland, from being a land of *ire* became a land of *concord*; how errors had been corrected, and defects lately supplied; how the strings of this Irish harp, which the civil magistrates finger, make a good harmony in this commonwealth. This work is often quoted: and it can never be read without pleasure or instruction. Doctor Johnson, by frequently citing *the Discovery*, and *the Nosce Teipsum*, as authorities, has enrolled the writings of Sir John Davies among the English classics. Whether as an acknowledgment for this dedication, or as a reward for greater services, our author was, in June 1612, appointed the King's Serjeant. But, he not long after, lost his first and steady patron the Earl of Salisbury, who died when his wisdom and his influence were the most necessary to a court, swayed by favouritism, and to a country, governed by minions.

Sir John was soon elected into a still more distinguished station. Amidst the distractions of civil war, and the repose of subsequent projects of improvement, no Parliament had been called in Ireland during the last seven and twenty years; yet, never were legislative acts more necessary. The Irish nation was divided into two parties, whose power was nearly equal. The Roman catholics formed the great body of the people: the protestants composed probably not more than one fourth. The laws however imposed on the objects of their jealousy many disabilities: and the protestants of consequence enjoyed all official profit and all political power. When the people and the government stand thus opposed to each other, dissatisfaction must ever predominate. Such was the state of Ireland, when manifest utility induced the Lord-Deputy to issue writs for a new election in 1612. Both parties exerted the artifices and the violences, which accompany popular elections, when the minds of the electors are strongly agitated by hopes or apprehensions. The Roman catholic party carried their elections chiefly in the counties; the protestant party in the boroughs, several of which had been lately erected, during the progress of plantation. Sir John Davies was elected for the county of Fermannagh; being the first representative which it had ever chosen.

The House of Commons consisted now of two hundred and twenty-five members. Of these there appeared, when the House met, of the protestant party,
one

one hundred and twenty-one; of the Roman catholic, one hundred and one. This approximation to equality had been alone sufficient to create great intrigues and altercation in any popular assembly. But, among the members who were then assembled to chuse a speaker, and who were animated by a sense of ancient antipathy and of recent opposition, the tumult approached nearly to the bloody scenes of a Polish Diet. Sir John Davies was proposed as speaker by the court: Sir John Everard, who had been an Irish judge, but resigned, because he could not take the oath of supremacy, was supported by the Roman catholic party. The house divided. The court members went out, according to parliamentary form. But their opponents, considering themselves as the majority of legal representatives, placed Sir John Everard in the chair as duly elected. And nothing remained for the real majority but to remove the intruder, or to place the true speaker in the same chair. The perseverance of the majority induced the minority to secede from an assembly which they thus found they could not rule. All parties had been so much accustomed in that country to attempt every thing by force, that the Parliament-men had not yet learned to defeat, or to qualify, disagreeable measures by sly intrigue, pertinacious debate, or by close divisions. The great body of the people applauded the seceders. And the Lord-Deputy Chichester, whose prudence was equal to his firmness, prorogued the Parliament, in order to suffer men's minds to cool, and

to enable the seceding members to lay their complaints before the King.*

In

* *The following Letter from the Lord Deputy Chichester shows how much Sir John Davies was trusted by the Government of both Kingdoms, and throws some new light on the affairs of Ireland, during that distracted moment.*

NOBLE MR. ATTORNEY,

FOR in that name I have best acquaintance with you, and desire that you should continue it. I am much comforted with his Majesty's gracious acceptance of my Letters, and I shall carefully observe his highnesses directions for my future carriage in matters of advertisement.

I have by Mr. Marshall written unto you, touching the affair of the escheated countries of Wexford: what I have now to say is of matter of the Parliament.

I am glad that his Majesty is pleased to put it off until February; and though there be but forty days for the summons, I wish that all men might know that a Parliament is intended presently, that such as it concerns may provide themselves accordingly, who otherwise will excuse their defaults for want of time I doubt not.

For the place to hold it in, I have thought of the King's castle as the fittest, where the lower hall may be prepared for the lower house, and the presence and withdrawing chamber being made into one room, by taking down the partition, will serve for the lords; but I will not put this work in hand, until what I have conceived fit receive allowance there; but I cannot think of any place about this town so convenient.

In making of the borough-towns, I find more and more difficulties and uncertainties; some return that they are but tenants at will and pleasure to certain gentlemen, who have the fee farm, or by lease for a few years, so as they are doubtful to name themselves for burghesses without the landlord's consent; and the landlord is of the church of Rome, and will return none but recusants; of which kind of men we have no need, and shall have less use. Some other towns have few others to return than recusants, and others none but soldiers; so as my advice in that point is, that you bring direction and authority to make such towns boroughs only as we think fit and behoveful for the service; and to omit such as are named, if they be like to be against us; and to enable others by charter, if we can find them answerable to our expectation, albeit they be not in the list sent thither by the Lord Carewe, nor returned as allowed there.

I send

In the moment of high passion, it is not easy to please either party. On this difficult occasion, the Lord Deputy had not the good fortune to gratify either. When commissioners were sent by the Roman Catholic faction to state their grievances, he was equally obliged to appear at

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I send you *two or three letters* of those I received in answer of mine, touching this matter, to peruse, by which you may judge what the rest are; I wish we might carry it, and prevail in the matters to be handled in this parliament, as is behoveful for his Majesty's service, and good of the kingdom: but I doubt there will be great opposition to all that is good; and we must encounter them the best we may. I have received a letter from the King's Majesty, written upon the complaint of Thomas Hoare of Wexford, and another from the Lords upon the complaint of Walter Sinnett. If his Majesty and the Lords of the council thought me not an honest man, those letters would run in another stile: for if what they have said were true, and that they had made me to know it before they presumed to trouble his highness and lords therewith, I were either a careless or dishonest governor, if I did not punish the offence, and reform the abuse. Many of this people are of so ill condition, that they care not what they say in the defamation of their adversaries, how untrue soever, if it serve their turn; but whilst the tale is telling, if care and credit be given to what they will inform, he is in a miserable case that governs here in chief or inferior place. But both tales heard, I wish that the faulty party may receive severe punishment, for I am as ill a supporter of a misdemeanor as any man that ever held my place.

I pray hasten your return with what is fitting. I will forbear to move for a dispensation of Poynings' act, albeit I think it very necessary that it should be so; fearing, lest some other construction would be made thereon, and I did ambitiously seek it.

I had occasion to write unto my Lord Chancellor lately, but did not propound any thing unto his Lordship, either in matter of parliament or otherwise. I only wrote that you would acquaint his Lordship with what is fitting and requisite for that dispatch, which I humbly besought his Lordship to further. Is all for the present that I have to impart, and so with salutations I remain

Your friend faithful and assured

At Dublin, 14th of August, 1612.

ARTHUR CHICHESTER.

To my worthy friend, Sir John Davies, Knight, his Majesty's Serjeant at Law, and Attorney General in Ireland.

NB. I pray bring the Letters back with you, or send them.

Whitehall, for the purpose of defence or explanation. They were all patiently heard. Bacon, who as attorney-general was consulted about the affairs of Ireland, told King James, *That it was always safe to keep in the middle way between extremes.* The complaints about elections were all declared to be groundless, except those of two boroughs, which had been erected after the issuing of the writs. The threats of resistance were opposed by denunciations of punishment. The seceders were reproached for their late outrages; but they were promised future favour, in return for peaceable behaviour. As it often happens, nobody was gratified, yet every one was obliged to submit, because there appeared no remedy but civil war for whatever grievance.

When the parliament re-assembled, in May 1613, it did not occur, that an English house of commons would not have allowed the king in council to decide disputed elections. Perhaps every one feared the renewal of turmoil; and on this occasion Sir John Davies delivered the elaborate speech, which is now republished. This is unquestionably one of the most learned and instructive orations that was ever pronounced by the speaker of the parliament in either kingdom. It was seasonable too, at a time when parliaments had been so long refused. He minutely traces the history of the Irish legislature, which, from the epoch of Poinings' act, was extremely complex; and he throws many rays of light on a subject which was in those days involved in peculiar obscurity. Doctor Leland has, doubtless, shewn

shewn some inaccuracies in this speech. But whatever merit he may have taken away, there remains enough to evince the extent of our author's researches, the precision of his knowledge, and, what is still more laudable, his desire of calming political contests. The parliament recognized the king's right to the crown of Ireland. They passed an act of general indemnity for late crimes, with an exception of Tyrone, Tyrconnel, and O'Dogharty. They repealed ancient laws, which had absurdly prohibited intercourse between the English within the *pale*, or five counties round Dublin, and the Irish without. They gave an entire subsidy to relieve the king from the continual expence of supporting the Irish government. They endeavoured to improve the police of a country, which was inhabited by a very mixed race, who felt little affection for each other. And after several prorogations, the parliament, which opened with such inauspicious beginnings, was dissolved in Oct. 1615.

Our author, mean while, concurred with other learned men in the revival of the Antiquary Society, which having been instituted in 1590, but afterwards discontinued, was now revived by Sir James Ley, in 1614. To be associated with such men as Cotton, Hackwell, Camden, Stow, Spelman, Whitlock, in illustrating the progress of our manners and our arts, the rise of our political institutions, the improvement of our jurisprudence, the history of our civil and military transactions, would do honour to a name less dignified than that of Sir John Davies, by extensive knowledge, elegant literature, and estimable writings.

Our author found leisure at length, in 1615, to publish his *Reports of Cases adjudged in the King's Courts in Ireland*. These were the first reports of Irish judgments which had ever been made public, during the four hundred years that the laws of England had existed in this kingdom. They contain special cases on points of learning, not common, or at least not largely debated in the English law books. And he protests, that they were collected principally for the use of the practisers in Ireland, and to invite others in this kingdom, by his example, to perform the like service to posterity. As none had gone before him, few indeed have followed him, in this useful tract of illustrating an important science. The single case of tenures on the commission of defective titles was printed by James Barry, in 1639. Freeman's Reports of Cases in Law and Equity, from 1670 to 1706, were published by Dixon, in 1742. And the late Chief Baron Gilbert reported some Irish cases, from the 4th of Anne to the 12th of George the First. Of this paucity of reporters, it is worth while to enquire the cause; since our author only expressed his surprise, without assigning a reason. Yet, as he assures us, there had always been men in the Irish judicatories of sufficient learning, who derived their knowledge from that fountain of jurisprudence, the Inns of Court. Prior to the reign of James the First, the jurisdiction of the Irish courts extended little beyond the *pale*, when their decisions, being thus limited, could have had little weight. From their determinations, an appeal always lay to the King's Bench in England,

England, which might reverse the proceedings of judges subordinate, and therefore of little authority. Lawyers who practise with design to make a fortune, or to form a settlement, seldom engage in pursuits, which may yield them fame, but can hardly gain them profit. The Irish judicatories having now acquired independence, and being now filled with judges eminent for learning, their decisions will doubtless be regarded with greater reverence, and be often reported with fidelity. Our author has annexed to his Reports a preface, which he addressed to Lord Chancellor Ellesmere, and which vies with Coke in solidity and learning, and equals Blackstone in classical illustration and elegant language. By this celebrated commentator this elaborate discourse on English jurisprudence had doubtless been read. And those who delight in tracing resemblances of sentiment and style between authors, in different ages, might find, by diligent perusal, many such similarities between Davies and Blackstone.

Having performed this last service to Ireland, Sir John retired, in 1616, from a country, which could have been no very agreeable residence, distracted as it now was by faction, and embittered by enthusiasm. A kind of revolution at the same time took place, which may have influenced our author's determination. The lord-deputy Chichester was succeeded by Sir Oliver St. John; the chief justice, Sir John Denham, by Sir William Jones; and Worthington was recommended by Bacon, as attorney-general, in the room of Sir John Davies. On this occasion, Bacon remarked to Villiers, who then influenced a feeble monarch, and governed a

b 4

kingdom

kingdom hastening to destruction, *that nothing could be more for the king's service, than to have the places of law and justice, in Ireland, eminently served.* Of Jones, that profound genius observed to the favourite, *that he had been an opposite in parliament; but I hold it no ill counsel, to join, or to remove such men* *. When Sir John Saville was created a peer, in the subsequent reign, Hume took occasion to reflect on this, *as the first instance of a person being promoted on account of his influence in the House of Commons.* But we can now trace the principle to its true source, and carry up the policy to its real epoch.

Sir John now lived among men of learning and genius, with that reception which was due to one who had distinguished himself, says Wood, as a bold spirit, a ready wit, and a great scholar. And as king's serjeant, he continued the practice of the law, and was often associated as one of the judges of assize. Some of his charges on the circuit still remain in the Museum, as additional evidences of his laudable diligence and profound knowledge.

It probably occurred to our author's mind, without communication with his friend Bacon, who had now risen to a superior station, from which he was soon to fall, that influence in the House of Commons gives influence in every other place. And Davies secured his seat for Newcastle-under-Line, by whatever means, in the parliament, which having been called in 1620, assembled

* Bacon's Works, fol. edit. vol. i. p. 126—30.

sembled on the 30th of January 1620-21. Seldom has there appeared in any House of Commons a body of more profound lawyers, of more accomplished statesmen, of more virtuous patriots, than met on that occasion. Sir John Davies seldom spoke, except on the affairs of Ireland, being, from his office of king's serjeant, perhaps more than from principle, a favourer of the court. When it was moved to acquaint the king with the grievances of Ireland, considering how much blood and treasure it had cost this kingdom, Sir John said: It is expressly in the law-books set down, that Ireland is a member of the crown of England; yet this kingdom here cannot make laws to bind that kingdom; for they have there a parliament of their own. Sir Edward Coke, who was the experienced leader of that house, suggested, that they ought to consider, first, *what we may do*; and secondly, *what is fit to be done in a parliamentary course*. Ireland, said he, was never totally reduced till the coming of this king; for there was ever a back door in the north of that kingdom. If Ireland be not safe, we cannot be sure; but if Ireland be safe, our navy well furnished, and the *Low-countrymen* our fast friends, we need not fear the pope, or the devil. It is both fit and lawful for us *to complain for Ireland*: that on such complaints the king doth order a reformation, and those things which may not be reformed but by a parliament, his majesty doth put in a course, by giving order for a parliament in Ireland, to remedy the abuses there *. Considering recent transactions, this is
surely

* See Parl. Deb. 1620-21. vol. i. p. 327-8.

surely a remarkable debate. Sir John Davies was the first, we see, who, in the House of Commons, contended, that the parliament of England could not make laws to bind the people of Ireland; because they had a parliament of their own. And Sir Edward Coke, when giving his opinion *as to what they might do*, admits rather than denies a position, which having been at length formally acknowledged, hath established the independence of the Irish nation.

It is a remark which does no little credit to Ireland, that scarcely any man ever enjoyed the offices of her government, who did not prove for ever after her strenuous defender. Sir John Davies again evinced how much he was a zealous friend, by defending her interests in an affair, which was then of full as much importance to her. A bill was introduced, in April 1621, against the importation of Irish cattle into England, and prohibiting the exportation of coin from this kingdom to Ireland. It is curious to trace the sentiments of members, from their speeches, on two subjects which were in those days little understood. Mr. Wentworth approved of the bill, as far as it went to prevent the export of coin; but would not have victuals restrained, which would undo the poor, to enrich the gentleman. Sir John Ipsley said, that there is half as much spent by those of Ireland, here in England, as they received for Irish cattle, as there is no household stuff used in Ireland, but what comes out of England. Sir Robert Philips insisted, that the price of victuals in Somersetshire is, notwithstanding
the

the importation of Irish cattle, which mar the breed of England, as dear as ever ; yet it hath caused the export of twenty thousand pounds out of Somersetshire only. Sir Edward Sackville remarked, that it is not *cheapness*, but *money*, which enricheth the kingdom ; and if Irish cattle be brought in, and our money sent out, we shall still be poor. On the contrary, Sir John Davies contended, that cattle being the principal commodity of Ireland, and its wool coarse, if we bar the importation of cattle, we shall impoverish that kingdom, and discourage its tillage ; by which means, that country would be again reduced to barbarism : that no money being current in Ireland but English, and there being no mint, as in the time of King John and Edward the Fourth, if we prevent the import of cattle, and not petition the king for a coinage, or a currency of foreign coin, the new planters in those parts will soon leave the kingdom. He hoped, that the House would not deal worse with Ireland, which was a member of this crown, than we do with the Low Countries, which carry away infinite sums for their Friesland horses, that are chiefly used here for coaches *. The bill was thereupon re-committed, and finally lost. A law was obtained, as is sufficiently known, for the same unsalutary purpose, during the factious reign of Charles the Second. In the present day, the parliament seem to have adopted the sentiment of Wentworth, who spoke first in this debate, *that the cheaper the victuals are, the better it is for the kingdom.*

Our author found amusement, by publishing his *Nosce Teipsum*

* See Parl. Deb. 1621, vol. ii. p. 48---98.

Teipsum and *Acrostics*, during 1622, to which he now added *Orchestra*, a poem, on the antiquity and excellence of dancing. He, with great propriety, dedicated the Orchestra to Charles Prince of Wales;

The fairest flow'r of noble chivalry;
And of Saint George's band the bravest knight.
Then, dancing's praise may be presented well
To *him*, whose actions add more praise thereto,
Than all the muses with their pens can do.

When compared with the dedication of *Nosce Teipsum* to Elizabeth, this may, without much injustice, be considered as a sorry sonnet, without the vigour, the fancy, or copiousness of Davies. What has been observed of Dryden's poems to Cromwell, a man of *deeds*, and to Charles II. a sovereign of *sufferings*, may be remarked of the dedications to Elizabeth and prince Charles.—The Queen had done much; the Prince of Wales *had only danced*. The lovers of poetry have lamented that so ingenious a poem as the *Orchestra* should have been left unfinished; or, at least, that the defective part should be lost. The copy printed by the author must have, doubtless, been perfect. And it is only to be regretted, that the subsequent editors did not print from the first edition, which may still be found, by diligent enquiry, though it is not in the *Museum*.

Our author, probably, wrote no more for the public. He employed the short remainder of an useful life, in discharging the duties of his profession, and in performing the offices of friendship. While his sovereign

vereign was preparing to raise him to higher honours, he died of an apoplexy, in the night of the 7th of December 1626, in the fifty-seventh year of his age. He had previously supped with the Lord Keeper Coventry, who gave him assurances of being Chief Justice of England, in the room of Sir Randolph Crew; but he lived not to enjoy, for a day, the eminent station, which he had amply earned by his learning, his services, and his honourable conduct. He was buried in St. Martin's church in the Fields. Here a monument was erected, in order to inform posterity, that he had been a man of fine abilities, and a most excellent writer, both in prose and verse; that he had always tempered the severity of the lawyer with the politeness of the gentleman; that he had been a faithful advocate, an impartial judge, and a true Christian. His monument is forgotten; but his works remain. Of ingenious men, who dedicate their labours to the instruction of their country, it ought to be the incentive, and the consolation, that their publications are perused long after other monuments have fallen.

Our author's works are the most lasting inscriptions of his memory. His *Nosce Teipsum*, his *Acrostics*, and his *Orchestra*, must for ever give him a high place among the English poets; though as a poet he has not been regarded by the biographers of poets. His *Discovery* must always rank him high among our early historians. And his *Reports*, with their *Preface*, will create the lasting regret of law students, that of such instructive

tive performances he did not give them more. By Anthony Wood and his copiers, it is said, indeed, *that he was, in truth, more a scholar than a lawyer.* But he who had such men as Coke, Bacon, Selden, Noy, for competitors, yet reached the top of his profession, could have been no mean lawyer. Had he, indeed, cultivated poetry, history, or law, singly, he had, doubtless, risen still higher in either.

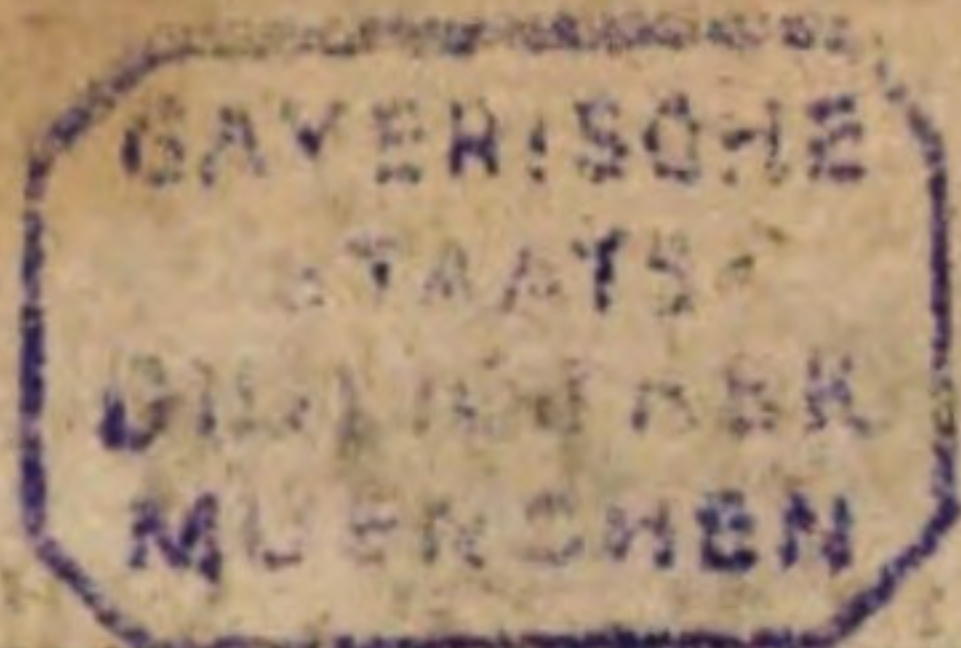
As a *Poet*, Sir John Davies wrote the *Nosce Teipsum*, which was first published in 1699, again in 1622, and a third time in 1773. It would seem, from the *Title*, as quoted by Wood, to have been originally divided into two elegies; 1st. Of human Nature; 2d. Of the Soul of Man. It appears now with *one running Title* OF THE IMMORTALITY OF THE SOUL, and divided, by whatever hand, into four and thirty distinct sections. The *Acrostics* under the title of *Hymns of Astrea*. And *Orchestra*, in a dialogue between Penelope and one of her Wooers, on the antiquity and excellence of dancing. These are the only poems which were published in 1773, as *the Poetical Works* of Sir John Davies. If we may credit Anthony Wood, he wrote *A Metaphrase of several of King David's Psalms*. But, as few have succeeded in scriptural poetry, it is not to be much regretted, that his Metaphrase has remained in neglected obscurity. Sir John wrote an *Epitaph* on his own son; and an *Epigram* on the courtship of his daughter. And his little *Drama*, entitled, *A Conference between a Gentleman Usher and a Post*, may be seen in the Museum, Harl. MSS. No. cclxxxvi. fol. 248.

As

As an *Historian*, Sir John wrote *A Discovery of the true Causes why Ireland was never entirely subdued, till the beginning of his Majesty's Reign*. This was first published in 1612. It seems to have been republished in the subsequent year. It was again published in 1747. And is now republished. Under this head may be classed his two elaborate Epistles to the Earl of Salisbury, when Lord High Treasurer of England in 1607, and 1610, which are now first published. For they are all historically instructive as to an interesting period of the Irish annals.

As a *Lawyer*, Sir John wrote, in 1614, *A Declaration of our Sovereign Lord the King, concerning the Title of his Majesty's Son, Charles, Prince of Wales, and Duke of Cornwall*. His *Reports*, which were first published in Law French at Dublin 1615, at London in 1628, and in 1674, at Dublin in 1762; when they were translated into English, and reduced to an octavo size. *An Abridgment of Sir Edward Coke's Reports*, in Law French: This was translated into English long after his decease, and published in 1651. The *Jus imponendi Vestigalia*, which was dedicated to King James, and republished in 1656. The right of imposing taxes was a point extremely litigated, during the reigns of James and Charles. And, our author, with Bacon, and other court lawyers, contended, that in some cases it belonged to the king. But, why this treatise should have been republished in 1656, and in 1659, long after this idle notion had been fully exploded, does not appear.

pear. *The Speech*, which is now published among the following *tracts*, and which having been framed with an aspect to the Irish contests of 1612, would now please us more, had there been less of the offensive flattery, that was then too common. In the *Museum*, among the Harleian MSS. No. 1578-4266-7581, may be seen his charges to the grand juries, as judge of the assize. This enumeration of the writings of Sir John Davies forms the most durable monument of his fame.



A
DISCOVERY

OF THE

True Causes why IRELAND was never entirely subdued and brought under Obedience of the Crown of ENGLAND, until the Beginning of his Majesty's happy Reign.

DURING the time of my service in Ireland (which began in the first year of his Majesty's reign) I have visited all the provinces of that kingdom, in fundry journeys and circuits. Wherein I have observed the good temperature of the air; the fruitfulness of the soil; the pleasant and commodious seats for habitation; and safe and large ports and havens lying open for traffick, into all the west parts of the world; the long inlets of many navigable rivers, and so many great lakes and fresh ponds within the land; (as the like are not to be seen in any part of Europe) the rich fishings, and wild fowl of all
A kinds;

kinds; and lastly, the bodies and minds of the people, endued with extraordinary abilities of nature.

The observation whereof hath bred in me some curiosity, to consider, what were the true causes why this kingdom, whereof our kings of England have borne the title of sovereign lords, for the space of four hundred and odd years (a period of time wherein divers great monarchies have risen from barbarism to civility, and fallen again to ruin), was not in all that space of time thoroughly subdued and reduced to obedience of the crown of England, although there hath been almost a continual war between the English and the Irish: and why the manners of the mere Irish are so little altered since the days of King Henry the Second, as appeareth by the description made by Giraldus Cambrensis, (who lived and wrote in that time) albeit, there have been since that time, so many English colonies planted in Ireland, as that, if the people were numbered at this day by the poll, such as are descended of English race, would be found more in number than the ancient natives.

And truly, upon consideration of the conduct

duct and passage of affairs in former times, I find, that the State of England ought to be cleared of an imputation, which a vulgar error hath cast upon it, in one point; namely, that Ireland long since might have been subdued and reduced to civility, if some statesmen in policy had not thought it more fit to continue that realm in barbarism. Doubtless, this vulgar opinion (or report) hath no true ground, but did first arise either out of ignorance, or out of malice. For it will appear by that which shall hereafter be laid down in this discourse, that ever since our nation had any footing in this land, the state of England did earnestly desire, and did accordingly endeavour from time to time, to perfect the conquest of this kingdom, but that in every age there were found such impediments and defects in both realms, as caused almost an impossibility that things should have been otherwise than they were.

The defects which hindered the perfection of the conquest of Ireland were of two kinds, and consisted, first, in the faint prosecution of the war; and next, in the looseness of the civil government. For the husbandman must first break the land before it be made

Two main impediments of the conquest.
Simile.

A 2 capable

capable of good seed: and when it is thoroughly broken and manured, if he do not forthwith cast good seed into it, it will grow wild again, and bear nothing but weeds: So a barbarous country must be first broken by a war, before it will be capable of good government; and when it is fully subdued and conquered, if it be not well planted and governed after the conquest, it will often return to the former barbarism.

The faint prosecution of the war.

Touching the carriage of the martial affairs, from the seventeenth year of King Henry the Second, when the first overture was made for the conquest of Ireland (I mean the first after the Norman conquest of England) until the nine and thirtieth year of Queen Elizabeth, when that royal army was sent over to suppress Tirone's rebellion, which made in the end an universal and absolute conquest of all the Irish: it is most certain, that the English forces sent hither, or raised here from time to time, were ever too weak to subdue and master so many warlike nations (or septs) of the Irish, as did possess this Island; and besides their weakness, they were ill paid, and worse governed. And if at any time there came over an army of competent strength and
power

power, it did rather terrify, than break and subdue this people, being ever broken and dissolved by some one accident or other, before the perfection of the conquest.

For, that I call a perfect conquest of a country, which doth reduce all the people thereof to the condition of subjects: and those I call subjects, which are governed by the ordinary laws and magistrates of the sovereign. For, though the prince doth bear the title of sovereign lord of an entire country (as our kings did of all Ireland), yet if there be two third parts of that country wherein he cannot punish treasons, murders, or thefts, unless he send an army to do it; if the jurisdiction of his ordinary courts of justice doth not extend into those parts to protect the people from wrong and oppression; if he have no certain revenue, no escheats or forfeitures out of the same, I cannot justly say, that such a country is wholly conquered.

First then, that we may judge and discern whether the English forces in Ireland were at any time of sufficient strength, to make a full and final conquest of that land, let us see what extraordinary armies have been trans-

What is a perfect conquest.

How the war hath been prosecuted since the seven-teenth year of Henry the Second.

mitted out of England thither, and what ordinary forces have been maintained there, and what service they have performed from time to time, since the seventeenth year of King Henry the Second.

In the time of
Henry the Se-
cond.

In that year, Mac Murugh, Lord of Leinster, being oppressed by the Lords of Meth and Conaught, and expelled out of his territory, moved King Henry the Second to invade Ireland, and made an overture unto him for the obtaining of the sovereign lordship thereof. The King refused to undertake the war himself, to avoid the charge * (as King Henry the Seventh refused to undertake the discovery of the Indies for the same cause) but he gave license by his letters patent, that such of his subjects might pass over into Ireland as would at their own charge become adventurers in that enterprize.

The first at-
tempt but an
adventure of
private gen-
tlemen.

So as the first attempt to conquer this kingdom was but an adventure of a few private gentlemen. Fitz-Stephen and Fitz-Girald first broke the ice, with a party of three hundred and ninety men: the Earl Strongbow followed them, with twelve hundred

* *Giraldus Cambrensis.*

dred more, whose good success upon the sea-coasts of Leinster and Munster drew over the king in person the next year after, *cum* ^{With what forces the King himself came over,} *quingentis Militibus*, as Giraldus Cambrensis reporteth, who was present in Ireland at that time. Which if they were but five hundred soldiers, seemeth too small a train for so great a prince. But admit they were five hundred knights, yet because in those days every knight was not a commander of a regiment or company, but most of them served as private men, (sometimes a hundred knights under a spear)* as appears by the lists of the ancient armies, we cannot conjecture his army to have been so great as might suffice to conquer all Ireland, being divided into so many principalities, and having so many Hydra's heads as it had at that time.

For albeit, Tacitus, in the life of Agricola, doth report, that Agricola having subdued the greatest part of Great Britain, did signify to the senate of Rome, that he thought Ireland might also be conquered with one legion and a few aids: I make no doubt, but that if he had attempted the conquest thereof with a far greater army, he would have found himself

* *Archiv. Remem. Regis apud Westm.*

himself deceived in his conjecture. “ For,
 “ a barbarous country is not so easily con-
 “ quered, as a civil, whereof Cæsar had ex-
 “ perience in his wars against the Gauls,
 “ Germans, and Britons, who were sub-
 “ dued to the Roman empire with far great-
 “ er difficulty, than the rich kingdoms of
 “ Asia. And again, a country possessed with
 “ many petty lords and states, is not so soon
 “ brought under entirely, as an entire king-
 “ dom governed by one prince or monarch.
 “ And therefore, the late king of Spain
 “ could sooner win the kingdom of Portu-
 “ gal, than reduce the states of the Low-
 “ Countries.”

What man-
 ner of con-
 quest king
 Henry the Se-
 cond made of
 Ireland.

But let us see the success of King Henry
 the Second: Doubtless his expedition was such,
 as he might have said with Cæsar: *Veni, vidi,*
vici. For, upon his first arrival, his very
 presence, without drawing his sword, prevail-
 ed so much, as all the Petty Kings, or Great
 Lords, within Leinster, Conaught, and Mun-
 ster, submitted themselves unto him, promised
 to pay him tribute, and acknowledged him
 their chief and sovereign Lord. Besides, the
 better to assure this inconstant Sea-nymph
 (who was so easily won) the Pope would
 needs

needs give her unto him with a ring ; *Conjunctio jungam stabili, propriamque dicabo.* But as the conquest was but slight and superficial, so the Pope's donation, and the Irish submissions, were but weak and fickle assurances. For, as the Pope had no more interest in this kingdom, then he who offered to Christ all the kingdoms of the earth ; so the Irish pretend, that by their law, a Tanist might do no act that might bind his successor. But this was the best assurance he could get from so many strong nations of people, with so weak a power : and yet he was so well pleased with this title of the Lordship of Ireland, that he placed it, in his royal style, before the Dutchies of Normandy and Aquitaine. And so, being advertised of some stirs raised by his unnatural sons in England, within five months after his first arrival, he departed out of Ireland without striking one blow, or building one castle, or planting one garrison among the Irish: neither left he behind him one true subject more then those he found there at his coming over, which were only the English adventurers spoken of before, who had gained the port towns in Leinster and Munster, and possessed some scopes of land thereunto adjoining, partly by Strongbow's alliance with the Lord of Leinster,

Leinster, and partly by plain invasion and conquest.

And this is that conquest of King Henry the Second, so much spoken of, by so many writers, which though it was in no other manner than before expressed, yet is the entire conquest of all Ireland attributed unto him.

But the truth is, the conquest of Ireland was made piece and piece, by slow steps and degrees, and by several attempts, in several ages. There were sundry revolutions, as well of the English fortunes, as of the Irish; sometimes one prevailing, sometimes the other; and it was never brought to a full period, till his Majesty that now is came to the crown.

As for King Henry the Second, he was far from obtaining that monarchy royal, and true sovereignty which his Majesty (who now reigneth) hath over the Irish. For the Irish Lords did only promise to become tributaries to King Henry the Second. And such as pay only tribute, though they be placed by Bodin * in the first degree of subjection, are not properly

* *Bodin de Repub.*

perly subjects but sovereigns. For, though they be less and inferior unto the Prince to whom they pay tribute, yet they hold all other points of sovereignty ; and having paid their tribute which they promised, to have their peace, they are quit of all other duties, as the same Bodin writeth. And therefore, though King Henry the Second had the title of Sovereign Lord over the Irish, yet did he not put those things in execution, which are the true marks and differences of sovereignty.

For, to give laws unto a people ; to institute magistrates and officers over them ; to punish and pardon malefactors ; to have the sole authority of making war and peace, and the like ; are true marks of sovereignty ; which King Henry the Second had not in the Irish countries, but the Irish Lords did still retain all these prerogatives to themselves.

The true
marks of so-
vereignty.

For they governed their people by the Brehon law, they made their own magistrates and officers ; they pardoned and punished all malefactors within their several countries ; they made war and peace one with another, without controlment ; and this they did not only during the reign of King Henry the

the Second, but afterwards in all times, even until the reign of Queen Elizabeth: And it appeareth what manner of subjects these Irish Lords were, by the concord made between K. Henry the Second, and Roderick O'Connor the Irish King of Conaught, in the year 1175, which is recorded by Houeden * in this form: *Hic est finis & concordia, inter dominum Regem Angliæ Henricum, filium Imperatricis, & Rodericum Regem Conaughtæ, scilicet, quod Rex &c. Angliæ concessit prædict. Roderico ligo homini suo, ut sit Rex sub eo paratus ad servitium suum, ut homo suus, &c.* And the Commission, whereby King Henry the Second made William Fitz-Adelme his Lieutenant of Ireland, hath this direction; *Archiepiscopis, Episcopis, Regibus, Comitibus, Baronibus, & omnibus fidelibus suis in Hibernia, Salutem.* Whereby it is manifest, that he gave those Irish Lords the title and style of Kings.

King John † likewise did grant divers charters to the King of Conaught, which remain in the Tower of London. And afterwards in the time of King Henry the Third, we find in

* Houeden in Henrico Secundo, fol. 312.

† 6 Johannis Claus. membrana 18. 17 Johannis Chart. m. 31

in the Tower a grant made to the King of Thomond, in these words. *Rex Regi Tosmond* salutem. Concessimus vobis terram Tosmond quam prius tenuistis, per firmam centum & triginta marcarum; Tenendum de nobis usque ad ætatem nostram:* And in the Pipe Rolls † remaining in Bremigham's Tower, in the Castle of Dublin, upon fundry accounts of the Seneshal of Ulster (when that earldom was in the King's hands, by reason of the minority of the Earl), the entry of all such charges as were made upon O'Neale, for rent-beeves, or for aids towards the maintenance of the King's wars, are in this form, O'Neale *Regulus ‡ 400, vaccas pro arrearagio reddit; O'Neale Regulus, 100 li. de Auxilio Domini Regis ad guerram suam in Wasconia sustinendam.* And in one roll the thirty-sixth of Henry the Third §, O'Neale *Rex, 100 li. de Auxilio domini Regis ad guerram suam in Wallia sustinendam.* Which seemed strange to me, that the King's civil officer should give him that style upon record, unless he meant it in that sense as Maximilian the Emperor did, when speaking of his disobedient subjects; "The title" (said he

* 6. Hen. 3. chart 3. m. 2. † Archiv. in Castro Dublin

‡ 42. Hen. 3. Compotus Will. de la Zouch. §. 36 Hen. 3. Compotus Huberti de Rouly.

he) “ of *Rex Regum*, doth more properly
 “ belong to me, than to any mortal Prince,
 “ for all my subjects do live as Kings, they
 “ obey me in nothing, but do what they
 “ list.” And truly, in that sense these Irish
 Lords might not unfitly be termed Kings.
 But to speak in proper terms, we must say
 with the Latin Poet, *Qui Rex est, Regem*
maxime non habeat. But touching these
 Irish Kings, I will add this note out of an
 ancient manuscript, the black book of Christ-
 Church in Dublin. *Isti Reges non fuerunt or-*
dinati solemnitate alicujus ordinis, nec unctio-
nis sacramento, nec jure hæreditario, vel aliqua
proprietas successionē, sed vi & armis quilibet
regnum suum obtinuit: and therefore, they
 had no just cause to complain, when a strong-
 er king than themselves became a King
 and Lord over them. But let us return to
 our purpose, and see the proceeding of the
 martial affairs.

How the war
 was prosecut-
 ed in the time
 of King John.

King Henry the Second being returned
 into England, gave the Lordship of Ireland
 unto the Lord John his youngest son, sur-
 named, before that time, *Sans Terre*. * And
 the Pope confirming that gift, sent him a
 crown

* *Giraldus Cambrensis.*

crown of peacocks feathers, as Pope Clement the Eighth sent the feather of a phoenix (as he called it) to the traitor Tirone. This young Prince, the King's son, being but twelve years of age, with a train of young noblemen and gentlemen, to the number of three hundred, but not with any main army, came over to take possession of his new patrimony, and being arrived at Waterford, divers Irish Lords (who had submitted themselves to his father) came to perform the like duty to him. But that youthful company using them with scorn, because their demeanours were but rude and barbarous, they went away much discontented, and raised a general rebellion against him. † Whereby it was made manifest, that the submission of the Irish Lords, and the donation of the Pope, were but slender and weak assurances for a kingdom.

Hereupon this young Lord was revoked, and Sir John de Courcy sent over, not with the King's army, but with a company of volunteers, in number four hundred, or thereabout. With these he attempted the conquest of Ulster, and in four or five encounters

† *Giraldus Cambrensis.*

ters, did so beat the Irish of that province*, as that he gained the maritime coasts thereof, from the Boyne to the Bann; and thereupon was made Earl of Ulster. So as now the English had gotten good footing in all the provinces of Ireland. In the first three provinces of Leinster, Munster, and Conaught, part by the sword, and part by submission and alliance; and lastly in Ulster, by the invasion and victories of Sir John de Courcy.

From this time forward, until the seventeenth year of King John (which was a space of more then thirty years) there was no army transmitted out of England, to finish the conquest. Howbeit in the mean time, the English adventurers and colonies already planted in Ireland did win much ground upon the Irish; namely, the Earl Strongbow, having married the daughter of Mac Murugh, in Leinster; the Lacies in Meth; the Geraldians and other adventurers in Munster; the Audeleyes, Gernons, Clintons, Ruffels, and other volunteers of Sir John de Courcy's retinue in Ulster; and the Bourkes (planted by William Fitz-Adelme) in Conaught. Yet
were

* *Giraldus Cambrensis.*

were the English reputed but part owners of Ireland at this time, as appeareth by the commission of the Pope's Legate in the time of King Richard the First, whereby he had power to exercise his jurisdiction, in *Anglia, Wallia, ac illis Hiberniæ partibus, in quibus Johannes Moretonii Comes potestatem habet et dominium*, as it is recorded by Mat. Paris.*

King John, in the twelfth year of his reign came over again into Ireland: the stories of that time say with a great army, but the certain numbers are not recorded: yet it is credible, in regard of the troubles wherewith this King was distressed in England, that this army was not of sufficient strength † to make an entire conquest of Ireland; and if it had been of sufficient strength, yet did not the King stay a sufficient time to perform so great an action, for he came over in June, and returned in Sept. the same year. Howbeit, in that time, the Irish lords, for the most part, submitted themselves to him, as they had done before to his father: which was but a mere mockery and imposture; for his back was no sooner turned, but they returned to their former rebellion: and yet this was reputed a

B

second

* *Matth. Paris in Richardo Primo, fo. 1519.* † *Matth. Paris.*

second conquest. And so this King, giving order for the building of some castles upon the borders of the English colonies, left behind him the Bishop of Norwich, for the civil government of the land ; but he left no standing army to prosecute the conquest: only the English colonies which were already planted, were left to themselves to maintain what they had got, and to gain more if they could.

The personal presence of these two great princes, King Henry the Second, and King John, though they performed no great thing with their armies, gave such countenance to the English colonies, which increased daily by the coming over of new volunteers and adventurers out of England, as that they enlarged their territories very much. Howbeit after this time the Kings of England, either because they presumed that the English colonies were strong enough to root out the Irish by degrees, or else because they were diverted or disabled otherwise, (as shall be declared hereafter) never sent over any royal army, or any numbers of men worthy to be called an army, into Ireland, until the thirty-sixth year of King Edward the

2

Third,

Third, when Lionell Duke of Clarence, the King's second son, having married the daughter and heir of Ulster, was sent over with an extraordinary power in respect of the time, (for the wars betwixt England and France were then in their heat) as well to recover his Earldom of Ulster, which was then over-run and possessed by the Irish, as to reform the English colonies, which were become strangely degenerate throughout the whole kingdom.

For though King Henry the Third gave the whole land of Ireland to Edward the Prince, his eldest son, and his heirs, *Ita quod non separetur a carona Angliæ**. Whereupon it was styled the land of the Lord Edward the King's eldest son: and all the officers of the land, were called the officers of Edward Lord of Ireland; and though this Edward were one of the most active Princes that ever lived in England, yet did he not, either in the life time of his father, or during his own reign, come over in person, or transmit any army into Ireland, but on the other side, he drew fundry aids and supplies of

men

This Charter yet remaineth perfect, with an entire seal, in the treasury at Westminster.

* Archiv. in Castro Dublin, & Archiv. Turr. 52 Hen. 3 patent. m. 9.

men out of Ireland to serve him in his wars in Scotland, Wales, and Gascoigne. And again, though King Edward the Second sent over Piers Gaveston with a great retinue, it was never intended he should perfect the conquest of Ireland ; for the King could not want his company so long a time as must have been spent in the finishing of so tedious a work.

How the martial affairs were carried from the twelfth year of King John to the thirty-sixth of King Edward the Third.

So then, in all that space of time, between the twelfth year of King John, and the thirty-sixth year of King Edward the Third, containing one hundred and fifty years, or thereabouts, although there was a continual bordering war between the English and the Irish, there came no royal army out of England, to make an end of the war. But the chief governors of the realm, who were at first called *Custodes Hiberniæ*, and afterwards Lords Justices, and the English lords who had gotten so great possessions and royalties, as that they presumed to make war and peace without direction from the state, did levy all their forces within the land. But those forces were weakly supplied and ill governed, as I said before : weakly supplied with men and money, and governed with the worst discipline that ever was seen among men of war ;
and

and no marvel, for it is an infallible rule, that an army ill paid is ever unruly and ill governed. The standing forces here were seldom or never reinforced out of England; and such as were either sent from thence, or raised here, did commonly do more hurt and damage to the English subjects than to the Irish enemies, by their continual cesss and extortion; which mischief did arise, by reason that little or no treasure was sent out of England to pay the soldiers wages: only the King's revenue in Ireland was spent, and wholly spent, in the public service; and therefore, in all the ancient pipe-rolls * in the times of Henry the Third, Edward the First, Edward the Second, and Edward the Third, between the receipts and allowances, there is this entry; *In Thesauro nihil*; for the officers of the state and the army spent all; so, as there was no surplus of treasure; and yet that all was not sufficient. For in default of the King's pay, as well the ordinary forces, which stood continually, as the extraordinary, which were levied by the Chief Governor, upon journeys and general hostings, were for the most part laid upon the poor subject descended of English race; howbeit this burthen was in

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some

* *Archiv. in Castro Dublin.*

some measure tolerable in the time of King Henry the Third, and King Edward the First ; but in the time of King Edward the Second, Maurice Fitz-Thomas of Desmond, being Chief Commander of the army against the Scots, began that wicked extortion of Coin and Livery, and pay : * that is, he and his army took horse-meat and man's-meat, and money at their pleasure, without any ticket, or other satisfaction. And this was, after that time, the general fault of all the governors and commanders of the army in this land. Only the golden saying of Sir Thomas Rookesby, † who was Justice in the thirtieth year of King Edward the Third, is recorded in all the annals of this kingdom, That he would eat in wooden dishes, but would pay for his meat gold and silver. Besides, the English colonies being dispersed in every province of this kingdom, were enforced to keep continual guards upon the borders and marches round about them ; which guards consisting of idle soldiers, were likewise imposed as a continual burthen upon the poor English freeholders, whom they oppressed and impoverished in the same manner.

* Statut. 10. H. 7. Cap. 4. Rot. Parliam. in Castro Dublin.

† Annales Hiberniæ in Camden.

decay of Ireland, that though it were first invented in hell, yet if it had been used and practised there, as it hath been in Ireland, it had long since destroyed the very kingdom of Beelzebub. In this manner was the war of Ireland carried, before the coming over of Lionel Duke of Clarence.

The army transmitted with Lionel Duke of Clarence, the thirty-sixth of Edward the Third.

This young prince, being Earl of Ulster, and Lord of Conaught, in right of his wife, (who was daughter and heir of the lord William Bourke, the last Earl of Ulster of that family, slain by treachery at Knockfergus) was made the King's Lieutenant of Ireland, and sent over with an army, in the thirty-sixth year of King Edward the Third, The roll and list of which army doth remain of record in the * King's Remembrancer's Office in England (in the press *de Rebus tangentibus Hiberniam*) and does not contain above fifteen hundred men by the poll; which because it differs somewhat from the manner of this age, both in respect of the command and the entertainment, I think it not impertinent to take a brief view thereof,

The

* *Archiv. Remem. Regis apud Westm.*

The Lord Lionel was general, and under him Ralph Earl of Stafford, James Earl of Ormond, Sir John Carew, Banneret, Sir William Winfor, and other Knights, were commanders.

The entertainment of the General upon his first arrival, was but six shillings and eight pence *per diem*, for himself; for five knights, two shillings a-piece, *per diem*; for sixty-four esquires, twelve pence a-piece, *per diem*; for seventy archers, six pence a-piece *per diem*. But being shortly after created Duke of Clarence (which honour was conferred upon him being here in Ireland) his entertainment was raised to twelve shillings and four pence *per diem*, for himself, and for eight knights, two shillings a-piece *per diem*, with an encrease of the numbers of his archers; *viz.* three hundred and sixty archers on horseback, out of Lancashire, at six pence a-piece *per diem*, and twenty-three archers, out of Wales, at one penny a-piece *per diem*.

The Earl of Stafford's entertainment was, for himself six shillings and eight pence *per diem*; for a banneret, four shillings *per diem*;
for

for seventeen knights, two shillings a-piece *per diem*; for seventy-eight esquires, twelve pence a-piece *per diem*; for one hundred archers on horseback, six pence a-piece *per diem*. Besides, he had the command of twenty-four archers out of Staffordshire, forty archers out of Worcestershire, and six archers out of Shropshire, at four pence a-piece *per diem*.

The entertainment of James Earl of Ormond was, for himself four shillings *per diem*; for two knights, two shillings a-piece *per diem*; for twenty-seven esquires, twelve pence a-piece *per diem*; for twenty hoblers, armed (the Irish horsemen were so called, because they served on hobbies), six pence a-piece *per diem*; and for twenty hoblers, not armed, four pence a-piece *per diem*.

The entertainment of Sir John Carew, banneret, was, for himself four shillings *per diem*; for one knight, two shillings *per diem*; for eight esquires, twelve pence a-piece *per diem*; for ten archers on horseback, six pence a-piece *per diem*.

The entertainment of Sir William Winfor was, for himself two shillings *per diem*; for

for two knights, two shillings a-piece *per diem*; for forty-nine esquires, twelve pence a-piece *per diem*; for six archers on horseback, six pence a-piece *per diem*.

The like entertainment, rateably, were allowed to divers knights and gentlemen upon that list, for themselves and their several retinues, whereof some were greater, and some less, as they themselves could raise them among their tenants and followers.

For in ancient times the King himself did not levy his armies by his own immediate authority or commission, but the lords and captains did, by indenture, covenant with the King, to serve him in his wars with certain numbers of men, for certain wages and entertainments, which they raised in greater or less numbers, as they had favour or power with the people. This course hath been changed in later times upon good reason of state: For the barons and chief gentlemen of the realm, having power to use the King's prerogative in that point, became too popular; whereby they were enabled to raise forces even against the crown itself, which since the statutes made for levying
and

The manner
of levying sol-
diers in for-
mer ages.

and mustering of soldiers, by the King's special commission, they cannot so easily perform, if they should forget their duties.

What service
Lionel Duke
of Clarence
performed.

This Lord-Lieutenant, with this small army, performed no great service; and yet, upon his coming over, all men who had land in Ireland, were by proclamation* remanded back out of England thither, and both the clergy and laity of this land, gave two years profits of all their lands and tithes, towards the maintenance of the war here: only he suppressed some rebels in Low Leinster, and recovered the maritime parts of his earldom of Ulster. But his best service did consist in the well-governing of his army, and in holding that famous Parliament at Kilkenny; wherein the extortion of the soldiers, and the degenerate manners of the English (briefly spoken of before) were discovered, and laws made to reform the same: which shall be declared more at large hereafter.

Sir William
Winfor,
Lieutenant,

The next Lieutenant, transmitted with any forces out of England, was Sir William Winfor;

* *Archiv. Turr. 36 Edw. 3. Claus. m. 21. in dorso, & m. 30.*

Winfor; who in the forty-seventh year of ^{forty-seventh} King Edward the Third, undertook the ^{of Edward} custody, not the conquest of this land (for ^{the Third.} now the English made rather a defensive ^{His forces} than an invasive war); and withal, to defray ^{and service.} the whole charge of the kingdom, for eleven thousand two hundred and thirteen pounds, six shillings and eight pence, as appears by the indenture between him and the King, remaining on record in the Tower of London.* But it appears by that which Froissard reports, that Sir William Winfor was so far from subduing the Irish, as he himself reported: That he could never have † access to understand and know their countries, albeit he had spent more time in the service of Ireland, than any Englishman then living.

And here I may well take occasion to shew the vanity of that which is reported in the story of Walsingham, touching the revenue of the crown of Ireland, in the time of King Edward the Third. For he setting forth the state of things there, in the time of King Richard the Second, writeth thus: ‡ *Cum Rex Angliæ illustris, Edwardus Tertius,* *illic*

The state of the Revenue of Ireland, in the time of Edward the Third.

* 47 Edw. 3. Claus. m. 1. † Stow in Rich. 2.

‡ Walsingham in Richard. 2.

illic posuisset bancum suum atque Judices, cum scaccario, percepit inde ad regalem fiscum annuatim triginta millia librarum; modò propter absentiam ligeorum, & hostium potentiam, nihil inde venit: sed Rex per annos singulos, de suo marsupio, terræ defensoribus soluit triginta millia marcarum, ad regni sui dedecus et fisci grandissimum detrimentum.

If this writer had known, that the King's Courts had been established in Ireland more than a hundred years before King Edward the Third was born, or had seen either the Parliament rolls in England, or the records of the receipts and issues in Ireland, he had not left this vain report to posterity.* For both the Benches and the Exchequer were erected in the twelfth year of King John. And it is recorded in the parliament rolls of the twenty-first of Edward the Third, remaining in the Tower, that the commons of England made petition that it might be enquired why the King received *no benefit* of his land of Ireland, considering he possessed more there than any of his ancestors had before him. Now, if the King at that time, when there were no standing forces main-
tained

* *Archiv. Turr. 11 H. 3. patent m. 3. 21 Ed. 3. m. 41.*

tained there, had received thirty thousand pounds yearly at his Exchequer in Ireland, he must needs have made profit by that land, considering that the whole charge of the kingdom, in the forty-seventh year of Edward the Third (when the King did pay an army there), did amount to no more than eleven thousand and two hundred pounds * *per annum*, as appeareth by the contract of Sir William Winsor.

Besides, it is manifest by the Pipe-Rolls of that time, whereof many are yet preserved in Breminham's Tower; and are of better credit than any Monk's story, that during the reign † of King Edward the Third, the revenue of the crown of Ireland, both certain and casual, did not rise unto 10000*l.* *per annum*, though the medium be taken of the best seven years that are to be found in that King's time. The like fable hath Hollingshead ‡ touching the revenue of the earldom of Ulster; which (saith he) in the time of King Richard the Second, was thirty thousand marks by the year; whereas in truth, though the lordships of Conaught and Meth (which were

* 47 Ed. 3. claus. pers. 2 m. 24 & 26.

† Archiv. in Castro Dublin. ‡ Hollingshead in R. 2.

were then parcel of the inheritance of the Earl of Ulster) be added to the account, the revenue of that earldom came not to the third part of what he writeth. For the account of the profits of Ulster yet remaining in Breminham's Tower, made by William Fitz-Warren, * seneschal and farmer of the lands in Ulster, seized into the King's hands after the death of Walter de Burgo, Earl of Ulster, from the fifth year of Edward the Third, until the eighth year, do amount but to nine hundred and odd pounds, at what time the Irish had not made so great an invasion upon the earldom of Ulster, as they had done in the time of King Richard the Second.

As vain a thing it is, that I have seen written in an ancient manuscript, touching the customs of this realm in the time of King Edward the Third, that those duties in those days should yearly amount to ten thousand marks, which by my own search and view of the records here, I can justly controul. For upon the late reducing of this antient inheritance of the crown, which had been detained in most of the port towns of this realm, for the
space

* *Archiv. in Castro Dublin. 5. Edw. 3.*

space of a hundred years and upwards, I took some pains (according to the duty of my place) to visit all the Pipe-Rolls, wherein the accounts of customs are contained, and found those duties answered in every port, for two hundred and fifty years together, but did not find that at any time they did exceed a thousand pounds *per annum*; and no marvel, for the subsidy of poundage was not then known, and the greatest profit did arise by the cocquet of hides; for wool, and wool-felts were ever of little value in this kingdom.

But now again let us see how the martial affairs proceeded in Ireland. Sir William Winsor continued his government till the latter end of the reign of King Edward the Third, keeping, but not enlarging the English borders.

In the beginning of the reign of King Richard the Second the state of England began to think of the recovery of Ireland: for then was the first statute made against absentees, commanding all such as had land in Ireland, *to return and reside

How the war proceeded in the time of King Richard the Second.

* 3 Rich. 2. Archiv. Turr. Rot. Parliam. 42.

side thereupon, upon pain to forfeit two third parts of the profits thereof. Again, this King, before himself intended to pass over, committed the government of this realm to such great lords successively, as he did most love and favour: first to the Earl of Oxford, his chief minion, whom he created Marquis of Dublin, and Duke of Ireland: next to the Duke of Surry, his half brother: and lastly, to the Lord Mortimer, Earl of March and Ulster, his cousin and heir apparent.

Among the patent rolls in the Tower, the ninth year of Richard the Second,* we find five hundred men at arms at twelve pence a-piece *per diem*; and a thousand archers at six pence a-piece *per diem*, appointed for the Duke of Ireland, *super conquestu illius terræ per duos annos*: for those are the words of that record; but for the other two lieutenants, I do not find the certain numbers, whereof their armies did consist; but certain it is, that they were scarce able to defend the English borders, much less to reduce the whole Island. For one of them, namely, the Earl of March, was himself

* *Pat. 2. pars. 9. Rich. 2. m. 24.*

self slain upon the borders of Meth; for revenge of whose death, the King himself made his second voyage into Ireland, in the last year of his reign. For his first voyage in the eighteenth year of his reign, (which was indeed a voyage-royal) was made upon another motive and occasion, which was this: Upon the vacancy of the Empire,* this King having married the King of Bohemia's daughter (whereby he had great alliance in Germany) did by his Ambassadors solicit the Princes Electors to choose him Emperor†: but another being elected, and his Ambassadors returned, he would needs know of them the cause of his repulse in that competition: they told him plainly that the Princes of Germany did not think him fit to command the Empire, who was neither able to hold that which his ancestors had gained in France, nor to rule his insolvent subjects in England, nor to master his rebellious people of Ireland. This was enough to kindle in the heart of a young prince a desire to perform some great enterprize; And therefore finding it no fit time to attempt France, he

C 2

resolved

* *Walsingham in Richard the Second.*

† *Annales. Tho. Otterbourne Manuscript.*

resolved to finish the conquest of Ireland; and to that end he levied a mighty army, consisting of four thousand men at arms, and thirty thousand archers, which was a sufficient power to have reduced the whole Island, if he had first broken the Irish with a war, and after established the English laws among them, and not have been satisfied with their light submissions only, wherewith in all ages they have mocked and abused the state of England. But the Irish lords, knowing this to be a sure policy to dissolve the forces which they were not able to resist (for their ancestors had put the same trick and imposture upon King John, and King Henry the Second), as soon as the King was arrived with his army, which he brought over under St. Edward's banner (whose name was had in great veneration amongst the Irish)* they all made offer to submit themselves. Whereupon the Lord Thomas Mowbray, Earl of Nottingham, and Marshal of England, was authorized by special commission, to receive† the homages and oaths of fidelity, of all the Irish of Leinster. And the King himself having

* *Stow in Rich. the Second.*

† *Archiv. in officio rememorat. Regis apud Westmon.*

having received humble letters from O'Neal (wherein he styleth himself Prince of the Irish in Ulster, and yet acknowledgeth the King to be his Sovereign Lord, & *perpetuus Dominus Hiberniæ*, removed to Drogheda, to accept the like submissions from the Irish of Ulster. The men of Leinster, namely, Mac Murrough, O'Byrne, O'Moore, O'Murrough, O'Nolan, and the chief of the Kinshelaghcs, in an humble and solemn manner did their homages, and made their oaths of fidelity to the Earl Marshal, laying aside their girdles, their skins and their caps, and falling down at his feet upon their knees; which when they had performed, the Earl gave unto each of them *osculum pacis*.

Besides they were bound by several indentures, upon great pains to be paid to the apostolick chamber, not only to continue loyal subjects, but that by a certain day prefixed, they and all their sword-men should clearly relinquish and give up unto the King and his successors all their lands and possessions which they held in Leinster, and (taking with them only their moveable goods) should serve him in his wars against his other rebels.

In consideration whereof, the King should give them pay and pensions during their lives, and bestow the inheritance of all such lands upon them, as they should recover from the rebels, in any other part of the realm. And thereupon, a pension of eighty merks *per annum*, was granted to Art'Mac Murrough, Chief of the Kauanaghcs; the enrollment whereof I found in the white book of the Exchequer here. And this was the effect of the service performed by the Earl Marshal, by virtue of his commission. The King in like manner received the submissions of the Lords of Ulster; namely, O'Neale, O'Hanlon, Mac Donel, Mac Mahon, and others; who with the like humility and ceremony, did homage and fealty to the King's own person; the words of O'Neale's homage, as they are recorded, are not unfit to be remembered: *Ego Nelanus O'Neale Senior tam pro meipso, quam pro filiis meis, & tota Natione mea & Parentelis meis, & pro omnibus subditis meis devenio ligeus homo vester, &c.* And in the indenture between him and the King, he is not only bound to remain faithful to the crown of England, but to restore the Bonaght of Ulster to the Earl of Ulster, as of right belonging

belonging to that earldom, and usurped among other things by the O'Neales.

These indentures and submissions, with many other of the same kind, (for there was not a chieftain or head of an Irish sept, but submitted himself in one form or other) the King himself caused to be enrolled and testified by a notary publick, and delivered the enrollments with his own hands to the Bishop of Salisbury, then Lord Treasurer of England, so as they have been preserved, and are now to be found in the office of the King's remembrancer there,

With these humilities they satisfied the young King, and by their bowing and bending avoided the present storm, and so broke that army which was prepared to break them. For the King having accepted their submissions, received them in *osculo pacis*, feasted them, and given the honour of Knighthood to divers of them, did break up and dissolve his army, and returned into England with much honour and small profit, (saith Froissard) for though he had spent a huge mass of treasure in transporting his

C 4

army,

army, by the countenance whereof he drew on their submissions, yet did he not increase his revenue thereby one sterling pound, nor enlarge the English borders the breadth of one acre of land; neither did he extend the jurisdiction of his courts of justice one foot further then the English colonies, wherein it was used and exercised before. Besides, he was no sooner returned into England, but those Irish lords laid aside their masks of humility, and scorning the weak forces which the King had left behind him, began to infest the borders; in defence whereof, the Lord Roger Mortimer being then the King's Lieutenant, and heir apparent of the crown of England, was slain, as I said before. Whereupon the King, being moved with just appetite of revenge, came over again in person, in the twenty second year of his reign, with as potent an army as he had done before, with a full purpose to make a full conquest of Ireland: he landed at Waterford, and passed from thence to Dublin, through the vast countries of the Murroghes, Kinshelaghues, Cauanaghues, Birnes, and Toolles; his great army was much distressed for want of victuals and carriages,

so

so as he performed no memorable thing in that journey, only in the Cauanagh's country, he cut and cleared the passes, and bestowed the honour of knighthood upon the Lord Henry, the Duke of Lancaster's son, who was afterwards King Henry the Fifth, and so came to Dublin, * where entering into council how to proceed in the war, he received news out of England of the arrival of the banished Duke of Lancaster at Ravenspurg, usurping the legal authority and arresting and putting to death his principal officers.

This advertisement suddenly broke off the King's purpose, touching the prosecution of the war in Ireland, and transported him into England, where shortly after he ended both his reign and his life. Since whose time, until the thirty-ninth year of Queen Elizabeth, there was never any army sent over of a competent strength or power to subdue the Irish, but the war was made by the English colonies, only to defend their borders; or if any forces were transmitted over, they were sent only to suppress the rebellions of such as
were

* *Hollingshead in Richard the Second.*

were descended of English race, and not to enlarge our dominion over the Irish.

Henry IV.
The Lord
Thomas of
Lancaster's
service.

During the reign of King Henry the Fourth, the Lord Thomas of Lancaster, the King's second son, was Lieutenant of Ireland, who for the first eight years of that King's reign, made the Lord Scroope, and others, his deputies, who only defended the marches with forces levied within the land. In the eighth year that Prince came over in person with a small retinue. So as wanting a sufficient power to attempt or perform any great service, he returned within seven months after into England. Yet during his personal abode there he was hurt in his own person within one mile of Dublin, upon an encounter with the Irish enemy. He took the submissions of O'Birne of the Mountains, Mac Mahon, and O'Rely, by several indentures, * wherein O'Birne doth covenant, that the King shall quietly enjoy the Manor of Newcastle; Mac Mahon accepteth a State in the Ferny for life, rendering ten pound a year;

* *Archiv. rememorat. Regis apud Westm.*

year; and O'Rely doth promise to perform such duties to the Earl of March and Ulster, as were contained in an indenture, dated the 18 of Richard the Second.

In the time of King Henry the Fifth, there Henry V. came no forces out of England. Howbeit, the Lord Furnival being the King's Lieute-^{The Lord Furnival's service.}nant, made a martial circuit, or journey, round about the marches and borders of the Pale, and brought all the Irish to the King's peace*, beginning with the Birnes, Toolles, and Cauanaghies on the South, and so passing to the Moores, O'Connors, and O'Farals in the West; and ending with the O'Relies, Mac Mahons, O'Neales, and O'Hanlons in the North. He had power to make them seek the King's peace, but not power to reduce them to the obedience of subjects: yet this was then held so great and worthy a service, as that the lords and chief gentlemen of the Pale made certificate thereof in French unto the King, being then in France: which I have seen recorded in the White Book of the Exchequer at Dublin. Howbeit, his army was so ill paid and governed, as the English suffered more damage by the cesses of his soldiers

* *Alb. libr. Scacc. Dublin.*

diers (for now that monster, Coin and Li-very, which the statute of Kilkenny had for a time abolished, was risen again from hell), than they gained profit or security, by abating the pride of their enemies for a time.

Henry VI.

During the minority of King Henry the Sixth, and for the space of seven or eight years after, the Lieutenants and Deputies made only a bordering war upon the Irish, with small and scattered forces; howbeit, because there came no treasure out of England to pay the soldier, the poor English subject did bear the burthen of the men of war in every place, and were thereby so weakened and impoverished, as the state of things in Ireland stood very desperate.

Richard
Duke of
York's ser-
vice,

Whereupon the Cardinal of Winchester (who, after the death of Humphrey Duke of Gloucester, did wholly sway the state of England) being desirous to place the Duke of Somerset in the regency of France, took occasion to remove Richard Duke of York from that government, and to send him into Ireland, pretending that he was a most able and willing person to perform service there, because he had a great inheritance of his own
in

in Ireland; namely, the earldom of Ulster and the lordships of Conaught and Meth, by descent from Lionel Duke of Clarence.

We do not find that this great Lord came over with any numbers of waged soldiers, but it appeareth upon what good terms he took that government, by the covenants between the King and him, which are recorded * and confirmed by act of parliament in Ireland, and were to this effect:

1. That he should be the King's Lieutenant of Ireland for ten years.
2. That to support the charge of that country, he should receive all the King's revenues there, both certain and casual, without account.
3. That he should be supplied also with treasure out of England, in this manner; he should have four thousand merks for the first year, whereof he should be imprested two thousand pounds beforehand; and for the other nine years, he should receive two thousand pounds *per annum*.

4. That

* *Archiv. in Castro Dublin.*

4. That he might let to farm the King's lands, and place and displace all officers at his pleasure.
5. That he might levy and wage what numbers of men he thought fit.
6. That he might make a Deputy, and return at his pleasure.

We cannot presume that this Prince kept any great army on foot, as well because his means out of England were so mean, and those ill paid, as appeareth by his passionate letter written to the Earl of Salisbury, his brother in law; the copy whereof is registered in the story of this time †: as also because the whole land, except the English Pale, and some part of the earldom of Ulster, upon the sea coasts, were possessed by the Irish; so as the revenue of the kingdom which he was to receive did amount to little. He kept the borders and marches of the Pale with much ado; he held many parliaments, wherein fundry laws were made for erecting of castles in Louth, Meth, and Kildare, to stop the incursions of the Irish. And because the soldiers, for want of pay, were

† *Holingshead in Henry the Sixth.*

were fessed and laid upon the subjects against their will; upon the prayer and importunity of the commons, this extortion was declared to be high treason *. But to the end that some means might be raised to nourish some forces for defence of the Pale, by another act of parliament, every twenty pound land was charged with the furnishing and maintenance of one archer on horseback.

Besides, the native subjects of Ireland, seeing the kingdom utterly ruined †, did pass in such numbers into England, as one law was made in England to transmit them back again; and another law made here to stop their passage in every port and creek ‡. Yet afterwards, the greatest part of the nobility and gentry of Meth passed over into England, and were slain with him at Wakefield in Yorkshire.

Lastly, the state of England was so far from sending an army to subdue the Irish at this time, as among the article of grievances exhibited by the Duke of York against King Henry the Sixth §, this was one; That divers
lords

* *Rot. Parliam. in Castro Dublin.*

† *Archiv. Tur. 17. Hen. 6. Claus. m. 20.*

‡ *Manuscript of Baron Finglas.*

§ *Holingshead in Henry the Sixth.*

lords about the King, had caused his Highness to write letters unto some of his Irish enemies; whereby they were encouraged to attempt the conquest of the said land. Which letters, the same Irish enemies had sent unto the Duke, marvelling greatly, that such letters should be sent unto them, and speaking therein great shame of the realm of England.

After this, when this great Lord was returned into England, and making claim to the crown, began the war betwixt the two Houses; it cannot be conceived, but that the kingdom fell into a worse and weaker state.

Edward IV.
How the war
was main-
tained in the
time of King
Edward the
Fourth.

When Edward the Fourth was settled in the kingdom of England, he made his brother George Duke of Clarence Lieutenant of Ireland. This Prince was born in the castle of Dublin, during the government of his father, the Duke of York; yet did he never pass over into this kingdom, to govern it in person, though he held the lieutenancy many years. But it is manifest, that King Edward the Fourth did not pay any army in Ireland during his reign; but the men of war did pay themselves, by taking Coin * and Livery,

* *Hollingshead in Edward the Fourth. Book of Howth, Manus.*

Livery upon the country: which extortion grew so excessive and intolerable, as the Lord Tip-toft, being deputy to the Duke of Clarence, was enforced to execute the law upon the greatest earl in the kingdom*; namely, Desmond, who lost his head at Drogheda for this offence. Howbeit, that the state might not seem utterly to neglect the defence of the Pale, there was a fraternity of men at arms, The fraternity of Saint George in Ireland. called the Brotherhood of Saint George, erected by Parliament†, the fourteenth of Edward the Fourth, consisting of thirteen of the most noble and worthy persons within the four shires. Of the first foundation were Thomas Earl of Kildare, Sir Rowland Eustace Lord of Port-lester, and Sir Robert Eustace, for the county of Kildare; Robert Lord of Howth, the Mayor of Dublin, and Sir Robert Dowdall, for the county of Dublin; the Viscount of Gormanston, Edward Plunket Seneshall of Meth, Alexander Plunket, and Barnabe Barnewale, for the county of Meth; the Mayor of Drogheda, Sir Lawraunce Taaffe, and Richard Bellewe, for the county of Lowth. These and their successors were to meet yearly, upon Saint George's day; and to choose one of them-

D selves

* *Book of Howth. Manus.*

† 14. of Edw. 4. *Rot. Parliam. Dublin.*

selves to be captain of that Brotherhood for the next year to come; which captain should have at his command one hundred and twenty archers on horseback, forty horsemen and forty pages, to suppress outlaws and rebels. The wages of every archer should be six pence *per diem*, and every horseman five pence *per diem*, and four merks *per annum*. And to pay these entertainments, and to maintain this new fraternity, there was granted unto them by the same act of parliament a subsidy of poundage, out of all merchandizes exported or imported throughout the realm (hides, and the goods of freemen of Dublin and Drogheda only excepted.) These two hundred men were all the standing forces that were then maintained in Ireland: and as they were natives of the kingdom, so the kingdom itself did pay their wages without expecting any treasure out of England.

Henry VII.

How the war was prosecuted in the time of King Henry the Seventh.

But now the wars of Lancaster and York being ended, and Henry the Seventh being in the actual and peaceable possession of the kingdom of England, let us see if this King did send over a competent army to make a perfect conquest of Ireland. Assuredly, if those two idols or counterfeits which were set up

up against him in the beginning of his reign, had not found footing and followers in this land, King Henry the Seventh had sent neither horse nor foot hither, but left the Pale to the guard and defence of the fraternity of Saint George, which stood till the tenth year of his reign. And therefore, upon the erection of the first idol, which was Lambert the priest's boy, he transmitted no forces, but sent over Sir Richard Edgecomb *, with commission to take an oath of allegiance of all the nobility, gentry, and citizens of this kingdom; which service he performed fully, and made an exact return of his commission to the King. And, immediately after that, the King sent for all the lords of parliament in this realm †, who, repairing to his presence, were first in a kingly manner reproved by him; for among other things he told them, that if their King were still absent from them, they would at length crown apes; but at last entertained them, and dismissed them graciously. This course of clemency he held at first; but after, when Perkin Warbecke, who was set up and followed chiefly by the Giraldines in Leinster, and the citizens of Cork in Mun-

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ster;

* *Archiv. Remem. Regis apud Westm.*

† *The Book of Howth. Manus.*

Sir Edward
Poyning's ser-
vice.

ster; to suppress this counterfeit, the King sent over Sir Edward Poynings, with an army (as the histories call it), which did not consist of a thousand men by the poll*; and yet it brought such terror with it, as all the adherents of Perkin Warbeck were scattered, and retired for succour into the Irish countries: to the marches whereof he marched with his weak forces, but soon returned and held a parliament†; wherein, among many good laws, one act was made; that no subject should make any war or peace within the land, without the special license of the King's Lieutenant or Deputy. A manifest argument, that at that time the bordering wars in this kingdom were made altogether by volunteers, upon their own head, without any pay or entertainment, and without any order or commission from the state: and though the lords and gentlemen of the Pale‡, in the nineteenth year of this King's reign, joined the famous battle of Knocktow, in Conaught; wherein Mac William, with four thousand of the Irish and degenerate English were slain; yet was not this journey made by warrant from the King, or upon his charge (as it is expressed in

The battle of
Knocktow.

* *Hollingshead in Henry the Seventh.*

† *Rot. Parliam. in Castro Dublin.*

‡ *The Book of Howth.*

in the book of Howth) but only upon a private quarrel of the Earl of Kildare: so loosely were the martial affairs of Ireland carried during the reign of King Henry the Seventh.

In the time of King Henry the Eighth, the Henry VIII Earl of Surrey, Lord Admiral, was made Lieutenant; and though he were the greatest captain of the English nation then living, yet How he war was carried during the reign of King Henry the Eighth. he brought with him rather an honourable guard for his person than a competent army to recover Ireland. For he had in his retinue two hundred tall yeomen of the King's guard: The Earl of Surrey's service. but, because he wanted means to perform any great action, he made means to return the sooner: yet in the mean time he was not idle, but passed the short time he spent here in holding a parliament, and divers journies against the rebels of Leinster; insomuch, as he was hurt in his own person, upon the borders of Leix. After the revocation of this honourable personage, King Henry the Eighth sent no forces into Ireland, till the rebellion of the Geraldines, which happened in the twenty-seventh year of his reign. Then he sent over Sir William Skevington, with five hundred men, only to quench that fire, and not to enlarge the border or to rectify

The Lord
Leonard
Gray's ser-
vice.

the government. This deputy died in the midst of the service, so as the Lord Leonard Gray was sent to finish it: who, arriving with a supply of two hundred men or thereabouts, did so prosecute the rebels, as the Lord Garret their chieftain, and his five uncles, submitted themselves to him, and were by him transmitted into England.

The fight at
Belahoo.

But this service being ended, that active nobleman, with his little army and sometimes aids of the Pale, did oftentimes repel O'Neale and O'Donel, attempting the invasion of the civil shires, and at last made that prosperous fight at Belahoo, on the confines of Meth; the memory whereof is yet famous, as that he defeated (well nigh) all the power of the North*; and so quieted the border for many years.

Hitherto then it is manifest, that since the last transfretation of King Richard the Second, the crown of England never sent over either numbers of men, or quantities of treasure, sufficient to defend the small territory of the Pale, much less to reduce that which
was

* *Book of Howth. Manus.*

was lost, or to finish the conquest of the whole island.

After this, Sir Anthony St. Leger was made their chief governor, who performed great service in a civil course, as shall be expressed hereafter. But Sir Edward Bellingham, who succeeded him, proceeded in a martial course against the Irish, and was the first deputy, from the time of King Edward the Third, till the reign of King Edward the Sixth, that extended the border beyond the limits of the English Pale, by beating and breaking the Moores and Connors, and building the forts of Leix and Offaly. This service he performed with six hundred horse; the monthly charge whereof did arise to seven hundred and seventy pounds; and four hundred foot, whose pay did amount to four hundred and forty-six pounds *per mensem**; as appeareth upon the treasurer's account, remaining in the Office of the King's Remembrance in England. Yet were not these countries so fully recovered by this deputy, but that Thomas Earl of Suffex did put the last hand to this work; and rooting out these two rebellious septs, planted English

Sir Anthony
St. Leger.

Sir Edward
Bellingham,
in the time of
King Edward
the Sixth.

Thomas Earl
of Suffex, in
the time of
Queen Mary.

D 4

colonies

* *Archiv. Remem. Regis apud Westm.*

colonies in their room, which in all the tumultuous times since have kept their habitations, their loyalty, and religion.

Queen
Elizabeth.

And now are we come to the time of Queen Elizabeth, who sent over more men, and spent more treasure to save and reduce the land of Ireland, then all her progenitors since the Conquest.

How the war
was prosecuted
in the time of Queen
Elizabeth.

During her reign there arose three notorious and main rebellions, which drew several armies out of England. The first of Shane O'Neale; the second of Desmond; the last of Tyrone; (for the particular insurrections of the Viscount Baltinglasse, and Sir Edmund Butler; the Moores, the Cavanaghes, the Birnes, and the Bourkes of Conaught, were all suppressed by the standing forces here.)

Shane
O'Neale's rebellion.

To subdue Shane O'Neale, in the height of his rebellion in the year 1566, Captain Randal transported a regiment of one thousand men into Ulster, and planted a garrison at Lochfoile. Before the coming of which supply, viz. in the year 1565, the list of the standing army of horse and foot, English and Irish, did not exceed the number of twelve

hundred men, as appears by the treasurer's account of Ireland*, now remaining in the Exchequer of England. With these forces did Sir Henry Sidney, then Lord Deputy, march into the farthest parts of Tyrone, and joining with Captain Randal, did much distress, but not fully defeat O'Neale, who was afterwards slain upon a mere accident by the Scots, and not by the Queen's army.

To prosecute the wars in Munster, against Desmond and his adherents, there were transmitted out of England at several times, three or four thousand men, which, together with the standing garrisons, and some other supplies raised here, made at one time an army of six thousand and upwards; which, with the virtue and valour of Arthur Lord Gray, and others the commanders, did prove a sufficient power to extinguish that rebellion. But that being done, it was never intended that these forces should stand till the rest of the kingdom were settled and reduced, only that army which was brought over by the Earl of Essex, Lord-lieutenant and Governor-general of this kingdom, in the 39th year of Queen Elizabeth,

Desmond's
rebellion.

Tyrone's
rebellion

* *Archiv. Remem. Regis apud Westm.*

Elizabeth, to suppress the rebellion of Tyrone, which was spread universally over the whole realm. That army, I say, (the command whereof, with the government of the realm, was shortly after transferred to the command of the Lord Mountjoy, afterwards Earl of Devonshire, who, with singular wisdom, valour, and industry, did prosecute and finish the war) did consist of such good men of war, and of such numbers, being near twenty thousand by the poll, and was so royally supplied and paid, and continued in full strength so long a time, as that it broke and absolutely subdued all the lords and chieftains of the Irish, and degenerate or rebellious English. Whereupon the multitude, who ever loved to be followers of such as could master and defend them, admiring the power of the crown of England, being beat, as it were, in a mortar, with the sword, famine, and pestilence altogether, submitted themselves to the English government, received the laws and magistrates, and most gladly embraced the King's pardon and peace in all parts of the realm, with demonstrations of joy and comfort, which made, indeed, an intire, perfect, and final conquest of Ireland.

land. And though upon the finishing of the war this great army was reduced to less numbers, yet hath his Majesty, in his wisdom thought it fit, still to maintain such competent forces here, as the law may make her progress and circuit about the realm, under the protection of the sword (as Virgo, the figure of Justice, is by Leo in the Zodiac) until the people have perfectly learned the lesson of obedience, and the conquest be established in the hearts of all men.

Thus far have I endeavoured to make it manifest, that from the first adventure and attempt of the English to subdue and conquer Ireland, until the last war with Tyrone, which, as it was royally undertaken, so it was really prosecuted to the end, there hath been four principal defects in the carriage of the martial affairs here. First, the armies for the most part were too weak for a conquest. Secondly, when they were of a competent strength (as in both the journies of Richard the Second) they were too soon broken up and dissolved. Thirdly, they were ill paid. And fourthly, they were ill governed, which is always a consequent of ill payment.

Four principal defects in the prosecution of the war.

But

Why none of
the Kings of
England, be-
fore Queen
Elizabeth,
did finish the
conquest of
Ireland.

But why was not this great work performed before the latter end of Queen Elizabeth's reign, considering that many of the Kings, her progenitors, were as great captains as any in the world, and had elsewhere larger dominions and territories? First, who can tell whether the Divine Wisdom, to abate the glory of those Kings, did not reserve this work to be done by a Queen, that it might rather appear to be his own immediate work? and yet, for her greater honour, made it the last of her great actions, as it were, to crown all the rest? And to the end that a secure peace might settle the conquest, and make it firm and perpetual to posterity, caused it to be made in that fulness of time when England and Scotland came to be united under one imperial crown; and when the monarchy of Great Britain was in league and amity with all the world. Besides, the conquest at this time doth perhaps fulfil that prophecy wherein the four great prophets of Ireland do concur, as it is recorded by Giraldus Cambrensis, to this effect: That after the first invasion of the English, they should spend many ages in *crebris* conflictibus, longoque certamine*

§

* Giraldus Cambrensis.

Et multis cædibus. And that, *Omnes fere Anglici ab Hibernia turbabuntur: nihilominus orientalia maritima semper obtinebunt; sed vix paulo ante diem judicii; plenam Anglorum populo victoriam compromittunt; insula Hibernica de mari usque ad mare de toto subacta Et incastellata.* If St. Patrick and the rest did not utter this prophesy, certainly Giraldus is a prophet, who hath reported it. To this we may add the prophesy of Merlin, spoken of also by Giraldus. *Sextus mænia Hiberniæ subvertet, Et regiones in regnum redigentur.* Which is performed in the time of King James the Sixth; in that all the passes are cleared, and places of fastness laid open, which are the proper walls and castles of the Irish, as they were of the British in the time of Agricola; and withal, the Irish countries being reduced into counties, make but one intire and undivided kingdom.

But to leave these high and obscure causes, the plain and manifest truth is, that the Kings of England, in all ages, had been powerful enough to make an absolute conquest of Ireland, if their whole power had been employed in that enterprize: but still there arose sundry

dry occasions, which divided and diverted their power some other way.

How the several Kings of England were diverted from the conquest of Ireland.

Let us therefore take a brief view of the several impediments which arose in every King's time, since the first overture of the Conquest, whereby they were so employed and busied, as they could not intend the final conquest of Ireland.

KING

K I N G H E N R Y II.

KING Henry the Second was no sooner returned out of Ireland, but all his four sons conspired with his enemies, rose in arms, and moved war against him, both in France and England.

This unnatural treason of his sons, did the King express in an emblem painted in his chamber * at Winchester, wherein was an eagle, with three eglets tiring on her breast; and the fourth picking at one of her eyes. And the truth is, these ungracious practises of his sons, did impeach his journey to the Holyland, which he had once vowed, vexed him all the days of his life, and brought his grey hairs with sorrow to the grave. Besides, this King having given the lordship of Ireland to John, his youngest son, his ingratitude afterwards made the king careless to settle him in the quiet and absolute possession of that kingdom.

RICHARD

* *The Book of Howth. Manus.*

R I C H A R D I.

RICHARD the First, which succeeded Henry the Second in the kingdom of England, had less reason to bend his power towards the conquest of this land, which was given in perpetuity to the Lord John his brother. And therefore went he in person to the holy war; by which journey, and his captivity in Austria, and the heavy ransom that he paid for his liberty, he was hindered, and utterly disabled to pursue any so great an action as the conquest of Ireland; and after his delivery and return, he was hardly able to maintain a frontier war in Normandy, where by hard fortune he lost his life.

K I N G J O H N.

KING John, his brother, had the greatest reason to prosecute the war of Ireland, because the lordship thereof was the portion of his inheritance, given unto him when he was called John Sans-Terre: therefore he made two journies thither; one when he was Earl of Morton, and very young, about twelve years of age; the other when he was King, in the twelfth year of his reign. In the first,
his

his own youth, and his youthful company, Rehoboam's counsellors, made him hazard the loss of all that his father had won. But in the latter he shewed a resolution to recover the intire kingdom, in taking the submissions of all the Irish, and settling the estates of the English, and giving orders for the building of many castles and forts, whereof some remain until this day. But he came to the crown of England by a defeasible title, so as he was never well settled in the hearts of the people, which drew him the sooner back out of Ireland into England; where, shortly after, he fell into such trouble and distress; the clergy cursing him on the one side, and the barons rebelling against him on the other, as he became so far unable to return to the conquest of Ireland, as besides the forfeiture of the territories in France, he did in a manner lose both the kingdoms; for he surrendered them both to the Pope, and took them back again to hold in fee-farm; which brought him into such hatred at home, and such contempt abroad, as all his life-time after he was possessed rather with fear of losing his head, than with hope of reducing the kingdom of Ireland.

H E N R Y III.

DURING the infancy of Henry the Third, the Barons were troubled in expelling the French, whom they had drawn in against King John. But this Prince was no sooner come to his majority, but the Barons raised a long and cruel war against him.

Into these troubled waters the Bishops of Rome cast their nets, and drew away all the wealth of the realm by their provisions and infinite exactions, whereby the kingdom was so impoverished, that the King was scarce able to feed his own household and train, much less to nourish armies for the conquest of foreign kingdoms. And albeit he had given this land to the Lord Edward, his eldest son ; yet could not that worthy prince ever find means or opportunity to visit this kingdom in person. For, from the time he was able to bear arms, he served continually against the barons, by whom he was taken prisoner at the battle of Lewes. And when that rebellion was appeased, he made a journey to the Holy Land, (an employment which in those days diverted all Christian Princes from performing any great actions in Europe)

from

from whence he was returned when the crown of England descended upon him.

E D W A R D I.

THIS King Edward the First, who was a Prince adorned with all virtues, did, in the managing of his affairs, shew himself a right good husband; who, being owner of a lordship ill-husbanded, doth first inclose and manure his demesnes near his principal house, before he doth improve his wastes afar off. Therefore, he began first to establish the Commonwealth of England, by making many excellent laws, and instituting the form of public justice, which remains to this day. Next he fully subdued and reduced the dominion of Wales; then, by his power and authority, he settled the kingdom of Scotland; and lastly, he sent a royal army into Gascoigne, to recover the dutchy of Aquitaine. These four great actions did take up all the reign of this Prince. And therefore we find not in any record, that this King transmitted any forces into Ireland; but, on the other side, we find it both recorded in the Annals, and in the Pipe-Rolls * of this kingdom,

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that

* *Archiv. in Castro Dublin. Annales Hiberniæ in Camden.*

that three several armies were raised of the King's subjects in Ireland, and transported one into Scotland, another into Wales, and the third into Gascoigne; and that several aids were levied here for the setting forth of those armies.

E D W A R D II.

THE son and successor of this excellent Prince, was Edward the Second; who, much against his will, sent one small army into Ireland; not with a purpose to finish the conquest, but to guard the person of his minion, Piers Gaveston, who, being banished out of England, was made Lieutenant of Ireland, that so his exile might seem more honourable.

He was no sooner arrived here but he made a journey into the mountains of Dublin, broke and subdued the rebels there, built Newcastle in the Birnes country, and repaired Castlekevin; and afterwards * passed up into Munster and Thomond, performing every where great service, with much virtue and valour.

* *Archiv in Castro Dublin. Annales Hiberniae in Camden.*

valour. But the King, who could not live without him, revoked him in less than a year; after which time the invasion of the Scots, and rebellion of the Barons, did not only disable this King to be a conqueror, but deprived him both of his kingdom and life. And when the Scottish nation had over-run all this land under the conduct of Edward Le Bruce, (who styled himself King of Ireland) England was not then able to send either men or money to save this kingdom. Only Roger de Mortimer, then Justice of Ireland, arrived at Youghal, *cum 38 milit.* saith Friar Clinn, in his Annals*.

But Breminham, Verdon, Stapleton, and some other private gentlemen, rose out with the commons of Meth and Uriel, and at Fagher, near Dundalk, a fatal place to the enemies of the crown of England, overthrew a potent army of them. *Et sic †* (saith the Red Book of the Exchequer, wherein the victory was briefly recorded) *per manus communis populi, & dextram Dei, deliberatur populus Dei a servitute machinata & præcogitata.*

E 3

EDWARD

* *Manuscript of Friar Clinn.* † *Rubr. libr. Scac. Dublin.*

E D W A R D III.

IN the time of King Edward the Third, the impediments of the conquest of Ireland are so notorious, as I shall not need to express them; to wit, the war which the King had with the realms of Scotland, and of France; but especially the wars of France, which were almost continual for the space of forty years. And indeed France was a fairer mark to shoot at than Ireland, and could better reward the conqueror. Besides, it was an inheritance newly descended upon the King; and therefore he had great reason to bend all his power, and spend all his time and treasure in the recovery thereof. And this is the true cause why Edward the Third sent no army into Ireland, till the thirty-sixth year of his reign, when the Lord Lionel brought over a regiment of fifteen hundred men, as is before expressed; which that wise and warlike Prince did not transmit as a competent power to make a full conquest, but as an honourable retinue for his son; and withal, to enable him to recover some part of his earldom of Ulster, which was then over-run with the Irish. But on the other part, though the
Eng.

English colonies were much degenerate in this King's time, and had lost a great part of their possessions, yet lying at the siege of Calais, he sent for a supply of men out of Ireland, which were transported under the conduct of the Earl of Kildare, and Fulco de la Freyn, in the year 1347 †.

R I C H A R D II.

AND now are we come again to the time of King Richard the Second; who, for the first ten years of his reign was a minor, and much disquieted with popular commotions; and after that was more troubled with the factions that arose between his minions and the Princes of the Blood. But at last he took a resolution to finish the conquest of this realm; and to that end he made two royal voyages hither. Upon the first he was deluded by the feigned submissions of the Irish; but upon the latter, when he was fully bent to prosecute the war with effect, he was diverted and drawn from hence by the return of the Duke of Lancaster into England, and the general defection of the whole realm.

E 4

HENRY

† *Annales Hiberniæ in Camden.*

H E N R Y IV.

AS for Henry the Fourth, he, being an intruder upon the crown of England, was hindered from all foreign actions by fundry conspiracies and rebellions at home, moved by the house of Northumberland in the north; by the Dukes of Surrey and Exeter in the south; and by Owen Glendower in Wales; so that he spent his short reign in establishing and settling himself in the quiet possession of England, and had neither leisure nor opportunity to undertake the final conquest of Ireland.

H E N R Y V.

MUCH less could King Henry the Fifth perform that work: for in the second year of his reign, he transported an army into France, for the recovery of that kingdom, and drew over to the siege of Harfleur * the Prior of Kilmainham, with fifteen hundred Irish: in which great action this victorious prince spent the rest of his life.

H E N R Y VI.

And after his death, the two noble Princes, his brothers, the Dukes of Bedford and Gloucester, who, during the minority of King Henry

* *Annales Hiberniæ in Camden.*

Henry the Sixth, had the government of the kingdoms of England and France, did employ all their counfels and endeavours to perfect the conquest of France ; the greater part whereof being gained by Henry the Fifth, and retained by the Duke of Bedford, was again lost by King Henry the Sixth ; a manifest argument of his disability to finish the conquest of this land. But when the civil war between the two houses was kindled, the Kings of England were so far from reducing all the Irish under their obedience, as they drew out of Ireland (to strengthen their parties) all the nobility and gentry descended of English race : which gave opportunity to the Irish to invade the lands of the English colonies, and did hazard the loss of the whole kingdom. For, though the Duke of York did, while he lived in Ireland, * carry himself respectfully towards all the nobility, to win the general love of all, bearing equal favour to the Geraldines and the Butlers (as appeared at the christening of George Duke of Clarence, who was born in the castle of Dublin, where he made both the Earl of Kildare, and the Earl of Ormond his godfathers) : and having occasion divers times to pass into
England,

* *Hollingshead in Hen. the Sixth.*

England, he left the sword with Kildare at one time, and with Ormond at another; and when he lost his life at Wakefield, there were slain with him divers of both those families. Yet afterwards, those two noble houses of Ireland, did severally follow the two royal houses of England; the Geraldines adhering to the house of York, * and the Butlers to the house of Lancaster; whereby it came to pass, that not only the principal gentlemen of both those surnames, but all their friends and dependents did pass into England, leaving their lands and possessions to be over-run by the Irish. These impediments, or rather impossibilities of finishing the conquest of Ireland, did continue till the wars of Lancaster and York was ended, which was about the twelfth year of King Edward the Fourth.

Thus hitherto the Kings of England were hindered from finishing this conquest by great and apparent impediments: Henry the Second, by the rebellion of his sons: King John, Henry the Third, and Edward the Second, by the Barons wars: Edward the First, by his wars in Wales and Scotland: Edward the Third, and Henry the Fifth, by the

* *Manuscript of Baron Finglas.*

the wars of France: Richard the Second, Henry the Fourth, Henry the Sixth, and Edward the Fourth, by domestic contention for the crown of England itself.

EDWARD IV.

BUT the fire of the civil war being utterly quenched, and King Edward the Fourth settled in the peaceable possession of the crown of England, what did then hinder that warlike prince from reducing of Ireland also? First, the whole realm of England was miserably wasted, depopulated, and impoverished by the late civil dissensions; yet, as soon as it had recovered itself with a little peace and rest, this King raised an army, and revived the title of France again: howbeit, this army was no sooner transmitted and brought into the field, but the two Kings also were brought to an interview. Whereupon, partly by the fair and white promises of Louis the Eleventh, and partly by the corruption of some of King Edward's minions, the English forces were broken and dismissed, and King Edward returned into England, where shortly after, finding himself deluded and abused by the French,
he

he died with melancholy, and vexation of spirit.

R I C H A R D I I I .

I omit to speak of Richard the Usurper, who never got the quiet possession of England, but was cast out by Henry the Seventh, within two years and a half after his usurpation.

H E N R Y V I I .

AND for King Henry the Seventh himself, though he made that happy union of the two houses, yet for more than half the space of his reign, there were walking spirits of the house of York, as well in Ireland as in England, which he could not conjure down, without expence of some blood and treasure. But in his latter times, he did wholly study to improve the revenues of the crown in both kingdoms; with an intent to provide means for some great action which he intended: which doubtless, if he had lived, would rather have improved a journey into France, than into Ireland, because in the eyes of all men it was a fairer enterprize.

HENRY

H E N R Y VIII.

THEREFORE King Henry the Eighth, in the beginning of his reign, made a voyage royal into France; wherein he spent the greatest part of that treasure which his father had frugally reserved, perhaps for the like purpose. In the latter end of his reign he made the like journey, being enriched with the revenues of the abbey-lands. But in the middle time between these two attempts, the great alteration which he made in the state ecclesiastical, caused him to stand upon his guard at home; the Pope having solicited all the princes of Christendom to revenge his quarrel in that behalf. And thus was King Henry the Eighth detained and diverted from the absolute reducing of the kingdom of Ireland.

E D W A R D VI. AND Q. M A R Y.

LASTLY, the infancy of King Edward the Sixth, and the coverture of Queen Mary (which are both *non abilities* in the law), did in fact disable them to accomplish the conquest of Ireland.

QUEEN

QUEEN ELIZABETH.

SO as now this great work did remain to be performed by Queen Elizabeth; who, though she were diverted by suppressing the open rebellion in the North; by preventing divers secret conspiracies against her person; by giving aids to the French, and States of the Low-Countries; by maintaining a naval war with Spain for many years together; yet the fundry rebellions, joined with foreign invasions upon this island, whereby it was in danger to be utterly lost, and to be possessed by the enemies of the crown of England, did quicken her Majesty's care for the preservation thereof; and to that end, from time to time, she sent over such supplies of men and treasure, as did suppress the rebels, and repel the invaders. Howbeit, before the transmitting of the last great army, the forces sent over by Queen Elizabeth were not of sufficient power to break and subdue all the Irish, and to reduce and reform the whole kingdom; but when the general defection came, which came not without a special providence for the final good of that kingdom (though the second causes thereof

were

were the faint prosecution of the war against Tyrone; the practices of priests and jesuits, and the expectation of the aids from Spain) then the extreme peril of losing the kingdom, the dishonour and danger that might thereby grow to the crown of England, together with a just disdain conceived by that great-minded Queen, that so wicked and ungrateful a rebel should prevail against *her*, who had ever been victorious against all her enemies, did move, and almost enforce her to send over that mighty army: and did withal inflame the hearts of the subjects of England cheerfully to contribute towards the maintaining thereof, a million of sterling pounds at least: which was done with a purpose only to *save*, and not to *gain* a kingdom; to keep and retain that sovereignty which the crown of England had in Ireland, (such as it was) and not to recover a more absolute dominion. “ But, as it falleth out
 “ many times, that when a house is on fire,
 “ the owner, to save it from burning, pulleth
 “ it down to the ground; but that pulling
 “ down doth give occasion of building up
 “ again in a better form.” So these last wars, which, to save the kingdom, did utterly

terly break and destroy this people, produced a better effect than was at first expected. For every rebellion, when it is suppressed, doth make the subject weaker and the prince stronger. So this general revolt, when it was overcome, did produce a general obedience and reformation of all the Irish, which ever before had been disobedient and unreformed; and thereupon ensued the final and full conquest of Ireland.

And thus much may suffice to be spoken, touching the defects in the martial affairs, and the weak and faint prosecution of the war; and of the several impediments, or employments, which did hinder or divert every King of England successively from reducing Ireland to their absolute subjection.

The defects
in the civil
policy and
government.

It now remains that we shew the defects of the civil policy and government, which gave no less impediment to the perfection of this conquest.

The laws of
England were
not given to
the mere Irish.

The first of that kind doth consist in this: That the crown of England did not from the beginning give laws to the Irish; whereas

to

to give laws to a conquered people is the principal mark and effect of a perfect conquest. For, albeit King Henry the Second, before his return out of Ireland, held a council or parliament at Liffemore :* *Ubi leges Angliæ ab omnibus sunt gratanter receptæ, & juratoria cautione præstita confirmatæ*, as Matthew Paris writes.

And though King John in the twelfth year of his reign † did establish the English laws and customs here, and placed sheriffs, and other ministers, to rule and govern the people, according to the law of England, and to that end, ‡ *Ipse duxit secum viros discretos & legis peritos, quorum communi consilio statuit & præcepit, leges Anglicanas teneri in Hibernia, &c.* as we find it recorded among the Patent-rolls in the Tower. 11 Henry the Third, m. 3. Though likewise King Henry the Third did grant and transmit the like charter of liberties to his subjects of Ireland, as himself and his father had granted to the subjects of England, as appears by another record in the Tower,

F 1 Henry

* *Matth. Paris Histor. major. fol. 121.*

† *Matth. Paris. Histor. major. 220 b.*

‡ 11 *Hen. 3. pat. m. 3.*

1 Henry the Third, pat. m. 13. And afterwards, by a special writ, did command the Lord Justice of Ireland, *Quod convocatis Archiepiscopis, Episcopis, Comitibus, Barcnibus, &c. Coram eis legi faceret chartam Regis Johannis; quam ipse legi fecit & jurari à magnatibus Hiberniæ de legibus & constitutionibus Angliæ observandis, & quod leges illas teneant & observent.* 12 Henry the Third, clauf. m. 8. And after that again, the same King, by letters patent under the great seal of England, did confirm the establishment of the English laws made by King John, in this form: *Quia pro communi utilitate terræ Hiberniæ, ac unitate terrarum, de communi consilio provisum sit, quod omnes leges & consuetudines quæ in regno Angliæ tenentur, in Hiberniâ teneantur, & eadem terra ejusdem legibus subjaceat, ac per easdem regatur, sicut Johannes Rex, cum illic esset, statuit & firmiter mandavit; ideo volumus quod omnia brevia de communi jure, quæ currunt in Anglia,* similiter currant in Hibernia, sub novo sigillo nostro, &c. Teste meipso apud Woodstocke, &c.* Which confirmation is found among the Patent-rolls in the Tower, anno 30 Henry the Third. Notwithstanding, it is evident

* 30 H. 3. pat. m. 20.

evident by all the records of this kingdom, that only the English colonies, and some few septs of the Irish, which were enfranchised by special charters, were admitted to the benefit and protection of the laws of England; and that the Irish generally were held and reputed aliens, or rather enemies to the crown of England; inasmuch, as they were not only disabled to bring any actions, but they were so far out of the protection of the law, as it was often adjudged no felony to kill a mere Irishman in the time of peace.

The mere Irish not admitted to have the benefit of the laws of England.

That the mere Irish were reputed aliens appeareth by sundry records; wherein judgments is demanded, if they shall be answered in actions brought by them: and likewise, by the charters of denization, which in all ages were purchased by them.

The mere Irish reputed aliens.

In the Common Plea-rolls of 28 Edward the Third (which are yet preserved in Bre-mingham's Tower) this case is adjudged. Simon Neale brought an action of trespass against William Newlagh * for breaking his Close in Clan-dalkan, in the county of Dublin; the Defendant doth plead, that the Plain-

F 2

tiff

* *Archiv. in Castro Dublin.*

tiff is *Hibernicus*, & non de quinque sanguinibus; and demandeth judgement, if he shall be answered. The plaintiff replieth; *Quod ipse est de quinque sanguinibus (viz.) De les O'Neiles de Ulton, qui per concessionem progenitorum Domini Regis, libertatibus Anglicis gaudere debent & utuntur, & pro liberis hominibus reputantur.* The Defendant rejoineth; that the Plaintiff is not of the O'Neales of Ulster, *Nec de quinque sanguinibus.* And thereupon they are at issue. Which being found for the Plaintiff, he had judgment to recover his damages against the Defendant. By this record it appeareth that five principal bloods, or septs, of the Irish, were by special grace enfranchised, and enabled to take benefit of the laws of England; and that the nation of O'Neales, in Ulster, was one of the five*. And in the like case, 3 of Edward the Second, amongst the Plea-rolls in Breminham's Tower; all the five septs or bloods, *Qui gaudeant lege Anglicana quoad brevia portanda*, are expressed, namely, *O'Neale de Ultonia; O'Molagblin de Midia; O'Connoghor de Connacia; O'Brien de Thotmonia, & Mac Murrogh de Lagenia:* and yet I find that O'Neale himself, long after, (viz.) in 20 Edward the Fourth, upon his

* *Archiv. in Castro Dublin.*

made by Edward the First, of a charter of denization granted by Henry the Second, to certain Oostmen, or Easterlings, who were inhabitants of Waterford, long before Henry the Second attempted the conquest of Ireland. **Edwardus Dei gratia, &c. Justitiario suo Hiberniæ Salutem: Quia per inspectionem Chartae Dom. Hen. Reg. filii Imperatricis quondam Dom. Hiberniæ proavi nostri nobis constat, quod Ostmanni de Waterford legem Anglicorum in Hibernia habere, & secundum ipsam legem judicari & deduci debent: vobis mandamus quod Gillicrist Mac Gilmurrii, Willielmum & Johannem Mac Gilmurrii & alios Ostmannos de civitate & comitatu Waterford, qui de predictis Ostmannis prædict. Dom. Henr. proavi nostri originem duxerunt, legem Anglicorum in partibus illis juxta tenorem Chartae prædict. habere, & eos secundum ipsam legem (quantum in nobis est, deduci faciatis) donec aliud de consilio nostro inde duxerimus ordinand. In cujus rei, &c. Teste meipso apud Acton Burnell, 5 Octobris, anno regni nostri undecimo.*

Again, among the Patent-rolls of 1 Edward the Fourth†, remaining in the Chancery here,

* *Archiv. in Castra Dublin.*

† *Ibid.*

here, we find a patent of denization, granted the 13 of Edward the First, in these words; *Edwardus Dei gratia, Rex Angliæ, Dom. Hiberniæ, Dux Aquitaniæ, &c. Omnibus Ballivis et fidelibus suis in Hibernia, Salutem: Volentes Christophero filio Donaldi Hibernico gratiam facere specialem, concedimus pro nobis et hæredibus nostris, quod idem Christopherus hanc habeat libertatem, (viz.) Quod ipse de cætero in Hibernia utatur legibus Anglicanis, et prohibemus ne quisquam contra hanc concessionem nostram dictum Christopherum vexet in aliquo vel perturbet. In cujus rei testimonium, &c. Teste meipso apud Westm. 27 die Junii. anno regni nostri 13.*

In the same roll, we find another charter of denization, granted in the first of Edward the Fourth, in a more large and beneficial form. **Edw. Dei gratia, &c. Omnibus Ballivis, &c. Salutem: Sciatis quod nos volentes Willielmum O' Bolgir capellanum de Hibernica natione existentem, favore prosequi gratioso, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipse liberi sit status; et liberae conditionis, et ab omni servitute Hibernicâ liber et quietus, et quod ipse legibus Anglicanis in*

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omni-

* *Archiv. in Castro Dublin.*

omnibus et per omnia uti possit et gaudere, eodem modo, quo homines Anglici infra dictam terram eas habent, et iis gaudent et utuntur, quodque ipse respondeat, et respondeatur, in quibuscumque curiis nostris: ac omnimod. terras, tenementa, redditus, et servitia perquirere possit sibi et hæredibus suis in perpetuum, &c.

If I should collect out of the records all the charters of this kind, I should make a volume thereof; but these may suffice to shew, that the mere Irish were not reputed free subjects; nor admitted to the benefit of the laws of England, until they had purchased charters of denization.

That the mere Irish were reputed enemies to the crown.

Lastly, the mere Irish were not only accounted aliens, but enemies; and altogether out of the protection of the law; so as it was no capital offence to kill them; and this is manifest by many records. At a goal delivery at Waterford, before John Wogan Lord Justice of Ireland, the 4 of Edward the Second, we find it recorded among the pleas of the crown of that year, **Quod Robertus le Wayleys reſtatus de morte Johannis filii Juor Mac Gillemory felonice per ipsum interfecti, &c.*

** Archiv. in Castro Dublin.*

*Ec. Venit et bene cognovit quod prædictum
 Johannem interfecit: dicit tamen quod per ejus
 interfectionem feloniam committere non potuit,
 quia dicit, quod prædictus Johannes fuit purus
 Hibernicus, et non de libero sanguine, Ec. Et
 cum Dominus dicti Johannis (cujus Hibernicus
 idem Johannes fuit) die quo interfectus fuit,
 solutionem pro ipso Johanne Hibernico suo sic in-
 terfecto petere voluerit, ipse Robertus paratus
 erit ad respondend. de solutione prædict. prout
 justitia suadebit. Et super hoc venit quidam
 Johannes le Poer, et dicit pro Domino Rege,
 quod prædict. Johannes filius Juor Mac Gille-
 mory, et antecessores sui de cognomine prædict.
 à tempore quo Dominus Henricus filius Impera-
 tricis, quondam Dominus Hiberniae, tritavus
 Domini Regis nunc, fuit in Hibernia, legem
 Anglicorum in Hibernia usque ad hunc diem
 habere, et secundum ipsam legem judicari et
 deduci debent. And so pleaded the charter
 of denization granted to the Oostmen recited
 before; all which appeareth at large in the
 said record: wherein we may note, that the
 killing of an Irishman was not punished by
 our law, as man-slaughter, which is felony
 and capital, (for our law did neither protect
 his life, nor revenge his death), but by a
 fine or pecuniary punishment, which is called
 an*

an ericke, according to the Brehon, or Irish law.

Again, at a goal delivery before the same Lord Justice, at Limrick, in the roll of the same year, we find, that **Willielmus filius Rogeri reātatus de morte Rogeri de Canteton felonice per ipsum interfecti, venit et dicit, quod feloniam per interfectionem prædictam committere non potuit, quia dicit quod prædict. Rogerus Hibernicus est, et non de libero sanguine; dicit etiam quod prædict. Rogerus fuit de Cognomine de Obederiscal et non de cognomine de Cantetons, et de hoc ponit se super patriam, &c. Et jurati dicunt super sacram. suum quod prædictus Rogerus Hibernicus fuit et de cognomine de Obederiscal et pro Hibernico habebatur tota vita sua. Ideo prædict. Willielmus quoad feloniam prædict. quietus. Sed quia prædictus Rogerus Obederiscal fuit Hibernicus Domini Regis, prædict. Willielmus recommittatur Gaolæ, quosque plegios invenerit de quinque marcis solvendis Domino Regi pro solutione prædicti Hibernici.*

But on the other side, if the Jury had found that the party slain had been of English

** Archiv. in Castro Dublin.*

lish race and nation, it had been adjudged felony ; as appears by a record of 29 of Edward the First, in the Crown Office here*. *Co-ram Waltero Lenfant et sociis suis justitiariis itinerantibus apud Drogheda in Comitatu Louth. Johannes Laurens indictat. de morte Galfridi Dovedal venit et non dedicit mortem prædictam: sed dicit quod prædict. Galfridus fuit Hibernicus, et non de libero sanguine, et de bono et malo ponit se super patriam, &c. Et Jurat. dicunt super sacram. suum quod prædict. Galfridus Anglicus fuit, et ideo prædict. Johannes culpabilis est de morte Galfridi prædict. Ideo suspend. Catalla 13s unde Hugo de Clinton Vicecom. respondet.*

Hence it is that in all the Parliament-rolls which are extant from the fortieth year of Edward the Third, when the statutes of Kilkenny were enacted, till the reign of King Henry the Eighth, we find the degenerate and disobedient English, called rebels ; but the Irish, which were not in the King's peace, are called enemies. Statute Kilkenny, C. 1, 10, and 11. 11 Henry the Fourth, C. 24, 10 Henry the Sixth, C. 1, 18. 18 Henry the Sixth, C. 4, 5. Edward the Fourth, C. 6.

* *Archiv. in Castro Dublin.*

C. 6. 10 Henry the Seventh, C. 17*. All these statutes speak of English rebels, and Irish enemies; as if the Irish had never been in condition of subjects, but always out of the protection of the law; and were indeed in worse case than aliens of any foreign realm that was in amity with the crown of England. For, by divers heavy penal laws, the English were forbidden to marry, to foster, to make gossip with the Irish, or to have any trade or commerce in their markets or fairs: nay, there was a law † made no longer since than the twenty-eighth year of Henry the Eighth, that the English should not marry with any person of Irish blood, though he had gotten a charter of denization, unless he had done both homage and fealty to the King in the Chancery, and were also bound by recognizance with sureties, to continue a loyal subject. Whereby it is manifest, that such as had the government of Ireland, under the crown of England, did intend to make a perpetual separation and enmity between the English and the Irish, pretending, no doubt, that

* *Archiv. in Castro Dublin.*

† *Stat. de Kilkenny, C. 2 & 3. 10 Hen. 6. C. 1. 23 Hen. 8. C. 13.*

that the English should in the end root out the Irish: which the English not being able to do, caused a perpetual war between the nations, which continued four hundred and odd years, and would have lasted to the world's end, if in the end of Queen Elizabeth's reign the Irish had not been broken and conquered by the sword, and since the beginning of his Majesty's reign had not been protected and governed by the law.

But perhaps the Irish in former times did wilfully refuse to be subject to the laws of England, and would not be partakers of the benefit thereof, though the crown of England did desire it; and therefore they were reputed aliens, outlaws, and enemies. Assuredly the contrary doth appear, as well by the charters of denization purchased by the Irish in all ages, as by a petition preferred by them to the King, anno 2 Edward the Third, desiring that an act might pass in Ireland, whereby all the Irish might be enabled to use and enjoy the laws of England, without purchasing of particular denizations. Upon which petition the King directed a special writ * to the Lord Justice, which is found amongst

The Irish did desire to be admitted to the benefit and protection of the English laws, but could not obtain it.

* 2 Edw. 3. Claus. 17.

amongst the Close-rolls in the Tower of London, in this form: *Rex dilecto & fideli suo Johannis Darcy le Nepieu Justic. suo Hiberniæ, Salutem: Ex parte quorundam hominum de Hibernia nobis extitit supplicatum, ut per statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus utantur Anglicanis: ita quod necesse non habeant super hoc chartas alias à nobis impetrare: nos igitur certiora volentes si sine alieno præjudicio præmissis annuere valeamus, vobis mandamus quod voluntatem magnatum terr. illius in proximo Parlamento nostro ibidem tenendo super hoc cum diligentia perscrutari facias: et de eo quod inde inveneritis una cum consilio et advisamento nobis certificetis, &c.* Whereby I collect, that the great Lords of Ireland had informed the King that the Irish might not be naturalized, without damage and prejudice either to themselves or to the crown.

But I am well assured that the Irish desired to be admitted to the benefit of the law, not only in this petition exhibited to King Edward the Third, but by all their submissions made to King Richard the Second, and to the Lord Thomas of Lancaster, before

before the wars of the two houses ; and afterwards to the Lord Leonard Gray, and Sir Anthony St. Leger, when King Henry the Eighth began to reform this kingdom. In particular, the Birnes of the mountains, * in the thirty-fourth of Henry the Eighth, desire that their country might be made shire-ground, and called the county of Wicklow : and in the twenty-third of Henry the Eighth, O'Donnel doth covenant with Sir William Skeffington, *Quod si Dominus Rex velit reformare Hiberniam* ; whereof it should seem that he made some doubt, that he and his people would gladly be governed by the laws of England. Only that ungrateful traitor Tyrone, though he had no colour or shadow of title to that great lordship, but only by grant from the crown, and by the law of England (for by the Irish law he had been ranked with the meanest of his sept) ; yet, in one of his capitulations with the state, he required that no Sheriff might have jurisdiction within Tyrone ; and consequently that the laws of England might not be executed there : which request was never before made by O'Neale, or any other Lord of the Irish, when they submitted

* *The Counsel Book of Ireland, 34 Hen. 8.*

submitted themselves : but, contrarywise, they were humble suitors to have the benefit and protection of the English laws.

What mischief did grow by not communicating the English laws to the Irish.

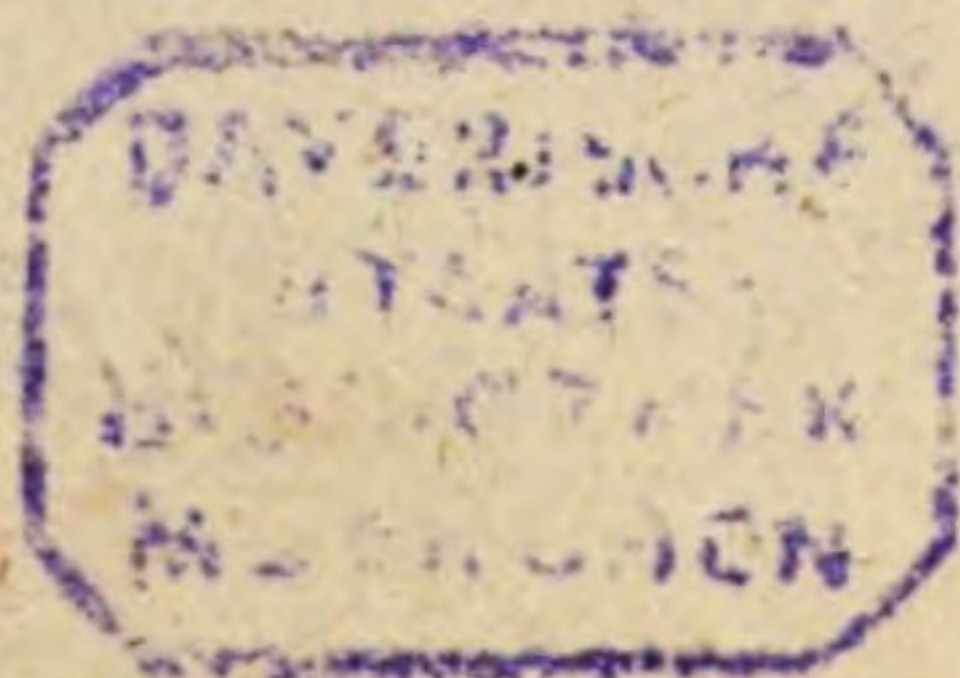
This then I note as a great defect in the civil policy of this kingdom ; in that for the space of three hundred and fifty years at least, after the conquest first attempted, the English laws were not communicated to the Irish, nor the benefit and protection thereof allowed unto them, though they earnestly desired and fought the same ; for as long as they were out of the protection of the law, so as every Englishman might oppress, spoil, and kill them without controul, how was it possible they should be other than outlaws and enemies to the crown of England ? If the King would not admit them to the condition of subjects, how could they learn to acknowledge and obey him as their Sovereign ? when they might not converse or commerce with any civil man, nor enter into any town or city, without peril of their lives ; whither should they fly, but into the woods and mountains, and there live in a wild and barbarous manner ? If the English magistrates would not rule them by the law which doth punish treason, and murder, and theft with death,

death, but leave them to be ruled by their own lords and laws, why should they not embrace their own Brehon law, which punisheth no offence but with a fine or erick? If the Irish be not permitted to purchase estates of freeholds or inheritance, which might descend to their children, according to the course of our common law, must they not continue their custom of tanistry? which makes all their possessions uncertain, and brings confusion, barbarism, and incivility. In a word, if the English would neither in peace govern them by the law, nor could in war root them out by the sword; must they not needs be pricks in their eyes, and thorns in their sides, till the world's end? and so the conquest never be brought to perfection.

But on the other side, if from the beginning the laws of England had been established, and the Brehon or Irish law utterly abolished, as well in the Irish countries as the English colonies; if there had been no difference made between the nations in point of justice and protection; but all had been governed by one equal, just, and honourable law, as Dido speaketh in Virgil; *Tros, Tyri-*

What good would have ensued if the mere Irish had been governed by the English laws.

G

usque

Three general
submissions of
the Irish.

usquè mibi nullo discrimine habetur. If upon the first submission made by the Irish Lords to King Henry the Second, *Quem in Regem & Dominum receperunt*, saith Matthew Paris; or upon the second submission made to King John, when, *Plusquam viginti Reguli maximo timore perterriti homagium ei & fidelitatem fecerunt*, as the same author writeth; or upon the third general submission made to King Richard the Second; when they did not only do homage and fealty, but bound themselves by indentures and oaths, (as before expressed) to become and continue loyal subjects to the crown of England. If any of these three Kings, who came each of them twice in person into this kingdom, had, upon these submissions of the Irish, received them all, both lords and tenants, into their immediate protection, divided their several countries into counties; made sheriffs, coroners, and wardens of the peace therein: sent justices itinerants, half yearly, into every part of the kingdom, as well to punish malefactors, as to hear and determine causes between party and party, according to the course of the laws of England; taken surrenders of their lands and territories, and granted estates unto them, to hold by English tenures;
granted

granted them markets, fairs, and other franchises, and erected corporate towns among them ; all which hath been performed since his Majesty came to the crown ; assuredly the Irish countries had long since been reformed and reduced to peace, plenty, and civility, which are the effects of laws and good government. They had built houses, planted orchards and gardens, erected townships, and made provision for their posterities. There had been a perfect union betwixt the nations, and consequently a perfect conquest of Ireland. For the conquest is never perfect till the war be at an end ; and the war is not at an end till there be peace and unity ; and there can never be unity and concord in any one kingdom but where there is but one King, one allegiance, and one law.

True it is, that King John made twelve shires in Leinster and Munster, namely, Dublin, Kildare, Meth, Uriel, Catherlogh, Kilkenny, Wexford, Waterford, Cork, Limerick, Kerry, and Tipperary. Yet these counties stretched no farther than the lands of the English colonies extended. In them only were the English laws published and put in execution ; and in them only did the itinerant

The English laws were executed only in the English Colonies.

judges make their circuits and visitations of justice, and not in the countries possessed by the Irish, which contained two third parts of the kingdom at least : and therefore King Edward the First, before the court of Parliament was established in Ireland, did transmit the statutes of England in this form : * *Dominus Rex mandavit Breve suum in hæc verba : Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ, &c. Cancellario suo Hiberniæ salutem. Quædam statuta per nos de assensu prælatorum, comitum, baronum & communitat. regni nostri nuper apud Lincoln ; & quædam alia statuta postmodum apud eborum facta, quæ in dicta terra nostra Hiberniæ ad communem utilitatem populi nostri ejusdem terræ observari volumus, vobis mittimus sub sigillo nostro, mandantes quod statuta illa in dicta cancellaria nostra custodiri, ac in rotulis ejusdem cancellaria irrotulari, & ad singulas placeas nostras in terra nostra Hiberniæ, & singulos comitatus ejusdem terræ mitti faciatis ministris nostris placearum illarum, et vicecomitibus dictorum comitatuum : mandantes, quod statuta illa coram ipsis publicari & ea in omnibus et singulis articulis suis observari firmiter faciatis. Teste meipso apud Nottingham, &c. By which Writ,*

* Archiv. in-Castro Dublin.

Writ, and by all the Pipe-rolls of that time, it is manifest that the laws of England were published and put in execution only in the counties which were then made and limited, and not in the Irish countries, which were neglected and left wild; and have but of late years been divided into twenty-one counties more.

Again, true it is, that by the statute of Kilkenny, enacted in this kingdom in the 40th year of King Edward the Third, the Brehon law was condemned and abolished, and the use and practice thereof made high treason. But this law extended to the English only, and not to the Irish: for the law is penned in this form:

* “Item, Forasmuch as the diversity of Government, by divers laws in one land, doth make diversity of ligeance and debates between the people, it is accorded and established, that hereafter no Englishman have debate with another Englishman, but according to the course of the common law; and that no Englishman be ruled in the definition of their debates, by the March law, or the Brehon law, which by reason ought not to be

G 3

named

* *Statut. de Kilkenny, C. 4.*

named a law, but an evil custom; but that they be ruled as right is, by the common law of the land, as the lieges of our Sovereign Lord the King; and if any do to the contrary, and thereof be attainted, that he be taken and imprisoned, and judged as a traitor: and that hereafter there be no diversity of ligeance between the English born in Ireland and English born in England, but that all be called and reputed English, and the lieges of our Sovereign Lord the King, &c." This law was made only to reform the degenerate English, but there was no care taken for the reformation of the mere Irish; no ordinance, no provision made for the abolishing of their barbarous customs and manners. In so much as the law then made for apparel, and riding in saddles after the English fashion, is penal only to Englishmen, and not to the Irish; but the Roman state, which conquered so many nations, both barbarous and civil, and therefore knew by experience, the best and readiest way of making a perfect and absolute conquest, refused not to communicate their laws to the rude and barbarous people whom they had conquered; neither did they put them out of their protection, after they had once submitted themselves. But contrary-wise

The Romans
did communi-
cate their laws
to the nations
which they
conquered,

wife it is faid of Julius Cæſar: *Qua vicit,
victos protegit ille, manu.* And again, of
another emperor :

*Feciſti patriam diverſis gentibus unam,
Profuit invitis te dominante capi ;
Dumque offers victis proprii conſortia juris,
Urbem feciſti, quod prius orbis erat.*

And of Rome itſelf;

*Hæc eſt in gremium victos quæ ſola recepit,
Humanumque genus communi nomine fuit,
Matris, non dominæ, ritu ; civesque vocavit,
Quos domuit, nexuque pio longinqua revinxit.*

Therefore, as * Tacitus writeth, Julius Agri-
cola, the Roman general in Britain, uſed
this policy to make a perfect conqueſt of
our anceſtors, the ancient Britons. “ They
were,” ſaith he, “ rude and diſperſed, and
therefore prone upon every occaſion to make
war. But to induce them by pleaſure to
quietneſs and reſt, he exhorted them in
private, and gave them helps in common, to
build temples, houſes, and places of public
reſort. The noblemen’s ſons he took and in-
ſtructed in the liberal ſciences, &c. preferring
the wits of the Britons before the ſtudents of
France; as being now curious to attain the
eloquence

G 4

* Tacitus in Vita Agricolaë.

eloquence of the Roman language, whereas they lately rejected that speech. After that the Roman attire grew to be in account, and the gown to be in use among them; and so by little and little they proceeded to curiosity and delicacies in buildings, and furniture of household, in baths and exquisite banquets; and so being come to the height of civility, they were thereby brought to an absolute subjection.

William the Conqueror governed both the Normans and the English under one law,

Likewise our Norman conqueror, though he oppressed the English nobility very sore, and gave away to his servitors, the lands and possessions of such as did oppose his first invasion, though he caused all his acts of council to be published in French, and some legal proceedings and pleadings to be framed and used in the same tongue, as a mark and badge of a conquest; yet he governed all, both English and Normans, by one and the same law; which was the ancient common law of England, long before the conquest. Neither did he deny any Englishman (that submitted himself unto him) the benefit of that law, though it were against a Norman of the best rank, and in greatest favour, as appeared in the notable controversy between
Warren

Warren the Norman, and Sherborne of Sherborne Castle in Norfolk; for the Conqueror had given that castle to Warren; yet when the inheritor thereof had alledged before the King,* that he never bore arms against him; that he was his subject as well as the other, and that he did inherit and hold his lands by the rule of that law which the King had established among all his subjects; the King gave judgment against Warren, and commanded that Sherborne should hold his land in peace. By this means himself obtained a peaceable possession of the kingdom within a few years; whereas, if he had cast all the English out of his protection, and held them as aliens and enemies to the crown, the Normans (perhaps) might have spent as much time in the conquest of England, as the English have spent in the conquest of Ireland.

The like prudent course hath been observed in reducing of Wales; which was performed partly by King Edward the First, and altogether finished by King Henry the Eighth. For we find by the statute of Rutland, made the 12th of Edward the First, when

King Edward the First did communicate the English laws to the Welchmen.

* *Causden in Norfolk.*

when the Welchmen had submitted themselves, *de alto & basso*, to that King, he did not reject and cast them off, as out-laws and enemies, but caused their laws and customs to be examined, which were in many points agreeable to the Irish or Brehon law. *Quibus diligenter auditis & plenius intellectis, quasdam illarum* (says the King in that ordinance) *consilio procerum dilevimus; quasdam permissimus; quasdam correximus; ac etiam quasdam alias adjiciendas et faciendas decrevimus;* and so established a commonwealth among them, according to the form of the English government. After this, by reason of the fundry insurrections of the barons, the wars in France, and the dissention between the houses of York and Lancaster, the state of England neglected or omitted the execution of this statute of Rutland; so as a great part of Wales grew wild and barbarous again. And therefore King Henry the Eighth, by the statutes of the 27th and 32d of his reign, did revive and recontinue that noble work began by King Edward the First; and brought it indeed to full perfection; for he united the dominion of Wales to the crown of England, and divided it into shires, and erected in every shire one borough,

rough, as in England; and enabled them to send knights and burgesſes to the parliament; eſtabliſhed a Court of Preſidency, and ordained that Juſtices of Aſſize, and Gaol-delivery, ſhould make their half-yearly circuits there, as in England; made all the laws and ſtatutes of England in force there; and, among other Welch cuſtoms, aboliſhed that of gavel-kind; whereby the heirs-female were utterly excluded, and the baſtards did inherit as well as the legitimate, which is the very Iriſh gavel-kind. By means whereof, that entire country, in a ſhort time, was ſecurely ſettled in peace and obedience, and hath attained to that civility of manners, and plenty of all things, as now we find it, not inferior to the beſt parts of England.

I will therefore knit up this point with theſe concluſions: Firſt, that the Kings of England, who in former ages attempted the conqueſt of Ireland, being ill-advifed and counſelled by the great men here, did not, upon the ſubmiſſions of the Iriſh, communicate their laws unto them, nor admit them to the ſtate and condition of free ſubjects. Secondly, that for the ſpace of two hundred

hundred years at least, after the first arrival of Henry the Second in Ireland, the Irish would gladly have embraced the laws of England, and did earnestly desire the benefit and protection thereof; which being denied them, did of necessity cause a continual bordering war between the English and Irish. And lastly, if, according to the examples before recited, they had reduced as well the Irish countries as the English colonies under one form of civil government (as now they are) the meers and bounds of the marches and borders had been long since worn out and forgotten; (for it is not fit, as Cambrensis* writes, that a King of an island should have any marches or borders but the four seas) both nations had been incorporated and united; Ireland had been entirely conquered, planted, and improved, and returned a rich revenue to the crown of England.

The lands conquered from the Irish were not well distributed.

The next error in the civil policy which hindered the perfection of the conquest of Ireland, did consist in the distribution of the lands and possessions which were won and conquered from the Irish. For the scopes of
land

* *Giraldus Cambrensis, lib. 2. de Hibernia expugnata.*

land which were granted to the first adventurers were too large, and the liberties and royalties which they obtained therein, were too great for subjects; though it stood with reason that they should be rewarded liberally out of the fruits of their own labours, since they did *militare propriis stipendiis*, and received no pay from the crown of England. Notwithstanding there ensued divers inconveniencies, that gave great impediment to the conquest.

First, the Earl Strongbow was entitled to the whole kingdom of Leinster; partly by invasion, and partly by marriage; albeit he surrendered the same entirely to King Henry the Second, his sovereign; for that with his licence he came over, and with the aid of his subjects he had gained that great inheritance: yet did the King re-grant back again * to him and his heirs all that province, reserving only the city of Dublin, and the cantreds next adjoining, with the maritime towns, and principal forts and castles.† Next, the same King granted to Robert Fitz-Stephen, and Miles Cogan, the whole kingdom

The proportions of land granted to the first adventurers were too large.

* *Giraldus Cambrensis, lib. 2. de Hibernia expugnata.*

† *In Archiv. Tur. 5 Edw. 3. Escheat numero 104.*

dom of Corke, from Lismore to the sea.† To Philip le Bruce he gave the whole kingdom of Limrick, with the donation, of bishoprics, and abbies, (except the city, and one cantred of land adjoining.‡) To Sir Hugh de Lacy, all Meth. To Sir John de Courcy, all Ulster. To William Burke Fit-Adelm, the greatest part of Conaught. In like manner, Sir Thomas de Clare obtained a grant of all Thomond; and Otho de Grandison, of all Tipperary; and Robert le Poer, of the territory of Waterford, (the city itself, and the cantred of the Oost-men only excepted.) *And thus was all Ireland cantonized among ten persons of the English nation; and though they had not gained the possession of one third part of the whole kingdom, yet in title they were owners and lords of all, so as nothing was left to be granted to the natives. And therefore we do not find in any record, or story, for the space of three hundred years, after these adventurers first arrived in Ireland, that any Irish lord || obtained a grant of

All Ireland distributed to ten persons of the English nation.

† 2 *Johannis Chart. m. 15. & m. 38.*

‡ 6 *Johan. Chart. m. 1.* 7 *Johan. Chart. m. 12. & m. 109.* 6 *Ed. 1. Chart. m. 19.* 18 *Ed. 1. m. 29.*

* *Girald. Cambr. lib. 2. de Hibernia expug.*

|| 6 *H. 3. Chart. m. 2.*

of his country from the crown, except the King of Thomond, who had a grant during the minority of King Henry the Third; and Roderick O'Connor, King of Connaught, * to whom King Henry the Second, before this distribution made, did grant (as is before declared.) *Ut sit Rex sub eo*; and moreover, *ut teneat terram suam Conaethie ita bene & in pace, sicut tenuit antequam Dominus Rex intravit Hiberniam*. And whose successor,† in the 24th of Henry the Third, when the Burkes had made a strong plantation there, and had well nigh expelled him out of his territory, came over into England, (as Matthew Paris writes‡) and made complaint to King Henry the Third of this invasion made by the Burkes upon his land, insisting upon the grants of King Henry the Second, and King John; and affirming that he had duly paid a yearly tribute of five thousand merks for his kingdom. Whereupon the King called unto him the Lord Maurice Fit-Gerald, who was then Lord-Justice of Ireland, and President in the Court; and commanded him that he should

* *Houeden in H. 2. fol. 302. Archiv. turr. 17 Johannis Chart. m. 3.*

† *6 Johannis, Claus. m. 18.*

‡ *Matth. Paris in Hen. 3.*

should root out that unjust plantation, which Hubert Earl of Kent had, in the time of his greatness, planted in those parts; and wrote withal to the great men of Ireland to remove the Burkes, and to establish the King of Conaught in the quiet possession of his kingdom. Howbeit, I do not read that the King of England's commandment, or direction in this behalf, was ever put in execution. For the truth is, Richard de Burgo had obtained a grant* of all Conaught, after the death of the King of Conaught, then living, for which he gave a thousand pounds, as the record in the Tower recites, the third of Henry the Third, claus. 2. And besides, our great English lords could not endure that any kings should reign in Ireland but themselves: nay, they could hardly endure that the crown of England itself should have any jurisdiction or power over them. For many of these lords, to whom our kings had granted these petty kingdoms, did, by virtue and colour of these grants, claim and exercise *jura regalia* within their territories; inso-much, as there were no less than eight counties palatine in Ireland at one time.

The liberties granted to the first adventurers were too great.

Eight counties palatine in Ireland at one time.

For

* 3 Hen. 3.

For William Marshal, Earl of Pembroke, who married the daughter and heir of Strongbow, being Lord of all Leinster, had royal jurisdiction throughout all that province. This great * Lord had five sons and five daughters; every one of his sons enjoyed that lordship successively, and yet all died without issue. Then this great lordship was broken and divided, and partition made between the five daughters, who were married into the noblest houses of England. The county of Carlow was allotted to the eldest;† Wexford to the second; Kilkenny to the third; Kildare to the fourth; the greatest part of Leix, now called the Queen's County, to the fifth. In every of these portions, the co-partners severally exercised the same jurisdiction royal, which the Earl Marshal and his sons had used in the whole province. Whereby it came to pass, that there were five county palatines erected in Leinster. Five counties palatine in Leinster. Then had the Lord of Meth the same royal liberty in all that territory; the earl of Ulster in all that province; and the Lord of Desmond and Kerry within that county. ‡ All these

* *Annales Hiberniæ in Camden.*

† *In Archiv. Tur. 11 Edw. 3. Escheat. n. 28.*

‡ *Archiv. in Castro Dublin. Archiv. Turr. pat. 3. E. 3. m. 28.*

these appear upon record, and were all as ancient as the time of King John; only the liberty of Tipperary, which is the only liberty that remaineth at this day, was granted to James Butler the first Earl of Ormond, in the third year of King Edward the Third,

These absolute Palatines made Barons and Knights, did exercise high justice in all points within their territories,* erected courts for criminal and civil causes, and for their own revenues; in the same form as the King's Courts were established at Dublin; made their own judges, seneshals, sheriffs, coroners, and escheators; so as the King's writ did not run in those counties (which took up more than two parts of the English colonies) but only in the church-lands lying within the same, which were called the Cross, wherein the King made a sheriff: and so, in each of these counties palatine there were two sheriffs; one of the Liberty, and another of the Cross: as in Meth we find a sheriff of the Liberty, and a sheriff of the Cross; and so in Ulster, and so in Wexford: and so at this day, the Earl of Ormond maketh a
sheriff

* *Archiv. in Castro Dublin.*

sheriff of the Liberty, and the King a sheriff of the Cross or Tipperary. Hereby it is manifest how much the King's jurisdiction was restrained, and the power of these lords enlarged by these high privileges. And it doth further appear, by one article among others, preferred to King Edward the Third, touching the reformation of the state of Ireland, which we find in the Tower, in these words: *Item, les franchises grantees in Ireland, que sont Roiales, telles come Duresme & Cestre, vous oustont cybien de les profits, come de graunde partie de obeissance des persons enfranchises; & en quesun franchise est chancellerie, chequer & conusans de pleas, cybien de la coronne, come autres communes, & grantont auxi charters de pardon; et sont souent per ley et reasonable cause seisses envostre main, a grand profit de vous; et leigement restitues per maundement hors de Engleterre, a damage, &c.* Unto which article the King made answer: *Le Roy voet que les franchises que sont et serront per juste cause prises en sa main, ne soient my restitues, avant que le Roy soit certifie de la cause de la prise de icelles.* 26 Ed. 3. Claus. m. 1. Again, these great undertakers were not tied to any form of plantation, but all was left

left to their discretion and pleasure. And although they built castles, and made freeholders, yet were there no tenures or services reserved to the crown; but the lords drew all the respect and dependance of the common people unto themselves. Now let us see what inconveniencies did arise by these large and ample grants of lands and liberties to the first adventurers in the conquest.

The inconveniencies which grew by the large grants of lands and liberties.

Assuredly by these grants of whole provinces and petty kingdoms, those few English lords pretended to be proprietors of all the land, so as there was no possibility left of settling the natives in their possessions, and, in consequence, the conquest became impossible, without the utter extirpation of all the Irish; which these English lords were not able to do, nor perhaps willing if they had been able. Notwithstanding, because they did still hope to become lords of those lands which were possessed by the Irish, whereunto they pretended title by their large grants; and because they feared, that, if the Irish were received into the King's protection, and made liege men and free subjects, the state of

England

England would establish them in their possessions by grants from the crown, reduce their countries into counties, ennoble some of them, and enfranchise all, and make them amenable to the law, which would have abridged and cut off a great part of that greatness which they had promised unto themselves; they persuaded the King of England that it was unfit to communicate the laws of England unto them; that it was the best policy to hold them as aliens and enemies, and to prosecute them with a continual war. Hereby they obtained another royal prerogative and power; which was to make war and peace at their pleasure in every part of the kingdom; which gave them an absolute command over the bodies, lands, and goods of the English subjects here. And besides, the Irish inhabiting the lands fully conquered and reduced, being in condition of slaves and villains, did render a greater profit and revenue than if they had been made the King's free subjects.

The English lords in Ireland made war and peace at their pleasure.

And for these two causes last expressed, they were not willing to root out all the Irish. We may not therefore marvel, that when

King Edward the Third, upon the petition of the Irish (as is before remembered) was desirous to be certified, *De voluntate magnatum suorum in proximo parlamento in Hibernia tenend. si sine alieno præjudicio concedere possit, quod per statut. inde fact. Hibernici utantur legibus Anglicanis, sive chartis Regiis inde impetrandis*, that there was never any statute made to that effect. For the truth is, that those great English lords did, to the utmost of their power, cross and withstand the enfranchisement of the Irish, for the causes before expressed; wherein I must still clear and acquit the crown and state of England of negligence or ill policy, and lay the fault upon the pride, covetousness, and ill council of the English planted here, which in all former ages have been the chief impediments of the final conquest of Ireland.

The war and
dissention of
the English
lords with
one another.

Again, those large scopes of land, and great liberties, with the absolute power to make war and peace, did raise the English lords to that height of pride and ambition, as that they could not endure one another, but grew to a mortal war and dissention among themselves: as appears by all the records and stories of this kingdom. First,
in

in the year 1204, the Lacies of Meth, made war upon Sir John Courcy; who, having taken him by treachery, sent him prisoner into England. In the year 1210, * King John coming over in person, expelled the Lacies out of the kingdom, for their tyranny and oppression of the English: howbeit, upon payment of great fines, they were afterward restored. In the year 1288, that family being risen to a greater height, (for Hugh de Lacy the younger, was created Earl of Ulster, after the death of Courcy without issue), there arose dissention and war between that house, and William Marshal Lord of Leinster; whereby all Meth was destroyed and laid waste. In the year 1264, Sir Walter Burke, having married the daughter and heir of Lacy, whereby he was Earl of Ulster in right of his wife, had mortal debate with Maurice Fitz-Morice the Geraldine, for certain lands in Conaught. So as all Ireland was full of wars between the Burkes and the Geraldines (say our annals). Wherein Maurice Fitz-Morice grew so insolent, as that upon a meeting at Thiftledermot, he took the Lord Justice himself, Sir Richard Cappel, prisoner, with divers Lords of Munster,

H 4

being

* *Annales Hiberniæ in Camden.*

being then in his company. In the year, 1288, Richard Burke Earl of Ulster (commonly called the Red Earl), pretending title to the lordship of Meth, made war upon Sir Theobald de Verdum, and besieged him in the castle of Athloue. Again, in the year 1292, John Fitz-Thomas the Geraldine, having by contention with the Lord Vesce gotten a goodly inheritance in Kildare, grew to that heighth of imagination (saith the story) as he fell into difference with divers great noblemen; and among many others, with Richard the Red Earl, whom he took prisoner, and detained him in Castle Ley; and by that dissention, the English on the one side, and the Irish on the other, did waste and destroy all the country*.

After, in the year 1311, the same Red Earl (coming to besiege Bonratty in Thomond, which was then held by Sir Richard de Clare†, as his inheritance), was again taken prisoner; and all his army, consisting for the most part of English, overthrown and cut in pieces, by Sir Richard de Clare. And after this again, in the year 1327, most of the great houses

* *Annales Hiberniæ in Camden.*

† *Annales Johannis Clynne. Manuscript.*

houses were banded one against another, (viz.) The Giraldines, Butlers, and Breminghams, on the one side, and the Burkes and Poers on the other. The ground of the quarrel being none other, but that the Lord Arnold Poer, had called the Earl of Kildare, Rimer: but this quarrel was prosecuted with such malice and violence, as the counties of Waterford and Kilkenny were destroyed with fire and sword, till a parliament was called on purpose to quiet this dissention.

Shortly after, the Lord John Bremingham, who was not long before made earl of Louth, for that notable service which he performed upon the Scots, between Dundalk and the Faher, was so extremely envied by the Gernons, Verdons, and others of the ancient colony, planted in the county of Louth, as that, in the year 1329, they did most wickedly betray and murder that Earl, with divers principal gentlemen of his name and family; using the same speech that the rebellious Jews are said to use in the Gospel.

Nolumus hunc regnare super nos.

After this, the Giraldines and the Butlers, being become the most potent families in the
king-

kingdom (for the great lordship of Leinster was divided among co-partners, whose heirs for the most part lived in England; and the earldom of Ulster, with the lordship of Meth, by the match of Lionel Duke of Clarence, at last descended upon the crown) had almost a continual war one with another. In the time of King Henry the Sixth (saith Baron Finglas*, in his Discourse of the Decay of Ireland), in a fight between the Earls of Ormond and Desmond, almost all the townsmen of Kilkenny were slain. And as they followed contrary parties during the wars of York and Lancaster, so after that civil dissention ended in England, these houses in Ireland continued their opposition and feud still, even till the time of King Henry the Eighth; when by the marriage of Margaret Fitz-Gerald to the Earl of Ossory, the houses of Kildare and Ormond were reconciled, and have continued in amity ever since.

Thus these great estates and royalties granted to the English lords in Ireland, begot pride; and pride begot contention among themselves, which brought forth divers mischiefs, that did not only disable the English
to

* *Manuscript of Baron Finglas.*

to finish the conquest of all Ireland, but did endanger the loss of what was already gained; and of conquerors made them slaves to that nation which they did intend to conquer. For, whensoever one English lord had vanquished another, the Irish waited and took the opportunity, and fell upon that country which had received the blow; and so daily recovered some part of the lands which were possessed by the English colonies.

Besides, the English lords to strengthen their parties, did ally themselves with the Irish, and drew them in, to dwell among them*, giving their children to be fostered by them; and having no other means to pay or reward them, suffered them to take Coin and Livery upon the English freeholders; which oppression was so intolerable, as that the better sort were forced to quit their freeholds and fly into England; and never returned, though many laws were made in both realms, to remand them back again: and the rest which remained became degenerate and mere Irish, as is before declared. And the English lords finding the Irish exactions to be more profitable than the English rents and services;

* Stat. 10 Henry 7. c. 4. Rot. Parliam. in *Castro Dublin.*

vices; and loving the Irish tyranny, which was tied to no rules of law or honour, better than a just and lawful superiority, did reject and cast off the English law and government, received the Irish laws and customs, took Irish surnames, as Mac William, Mac Pheris, Mac Yoris*, refused to come to the parliaments which were summoned by the King of England's authority, and scorned to obey those English knights which were sent to command and govern this kingdom; namely, Sir Richard Capel, Sir John Morris, Sir John Darcie, and Sir Ralph Ufford. And when Sir Anthony Lucie, a man of great authority in the time of King Edward the Third, was sent over to reform the notorious abuses of this kingdom, the King doubting that he should not be obeyed, directed a special writ or mandate to the earl of Ulster†, and the rest of the nobility, to assist him. And afterwards, the same King (upon good advice and counsel) resumed those excessive grants of lands and liberties in Ireland, by a special ordinance made in England, which remaineth on record in the Tower, in this form: *Quia plures*

* *Baron Finglas, Manuscript.*

† *Archiv. Turr. 5 Ed. 3. claus. m. 4.*

plures excessivæ donationes terrarum et libertatum in Hibernia ad subdolan machinationem petentium factæ sunt, &c. Rex delusorias hujusmodi machinationes volens elidere, de consilio peritorum sibi assistentium, omnes donationes terrarum et libertatum prædict. duxit revocandas, quousque de meritis donatariorum et causis ac qualitatibus donationum melius fuerit informat. et ideo mandatum est Justiciario Hiberniæ quod seisiri faciat, &c..* Howbeit, there followed upon this resumption, such a division and faction between the English of birth and the English of blood and race, as they summoned and held several parliaments apart one from the other. Whereupon, there had risen a general war betwixt them, to the utter extinguishing of the English name and nation in Ireland; if the Earl of Desmond, who was head of the faction against the English of birth, had not been sent into England, and detained there for a time†: yet afterwards, these liberties being restored, by direction out of England, the 26 of Edward the Third, complaint was made to the King of the easy restitution; whereunto the King made answer, as is before expressed: so as we may conclude

* *Archiv. Turr. 15 Ed. 3. claus. m. 4.*

† *Annales Hiberniæ in Camden.*

conclude this point with that which we find in the annals, published by Master Camden: *Hibernici debellati & consumpti fuissent, nisi seditio Anglicorum impedivisset.* Whereunto I may add this note, that though some are of opinion, that grants of extraordinary honours and liberties made by a King to his subjects, do no more diminish his greatness, than when one torch lighteth another; for it hath no less light then it had before, *Quis vetat appposito lumen de lumine sumi?* Yet many times inconveniencies do arise thereupon: and those princes have held up their sovereignty best, which have been sparing in those grants. And truly as these grants of little kingdoms, and great royalties, to a few private persons, did produce the mischiefs spoken of before: so the true cause of the making of these grants, did proceed from this; that the Kings of England, being otherwise employed and diverted, did not make the conquest of Ireland their own work, nor undertake it royally at their own charge; but as it was first begun by particular adventurers: so they left the prosecution thereof to them, and other voluntaries, who came to seek their fortunes in Ireland; wherein, if

I

they

The first adventurers obtained these liberal grants, because the kings of England did not prosecute the war at their own charge.

they could prevail, they thought that in reason and honour they could do no less, than make them proprietors of such scopes of land as they could conquer, people, and plant at their own charge; reserving only the sovereign lordship to the crown of England. But if the Lion had gone to hunt himself, the shares of the inferior beasts had not been so great: if the invasion had been made by an army transmitted, furnished, and supplied only at the King's charges, and wholly paid with the King's treasure, as the armies of Queen Elizabeth, and King James have been, the conquest had been sooner achieved, and the servitors had been contented with less proportions.

For, when Scipio, Pompey, Cæsar, and other generals of the Roman armies, as subjects and servants of that state, and with the public charge, had conquered many kingdoms and commonwealths, we find them rewarded with honourable offices and triumphs at their return; and not made lords and proprietors of whole provinces and kingdoms which they had subdued to the empire of Rome. Likewise, when the Duke of Normandy had conquered England, which he made his own work,

How the state of Rome rewarded their men of war.

William the Conqueror.

work, and performed it in his own person, he distributed fundry lordships and manors unto his followers, but gave not away whole shires and countries in demesne to any of his servitors, whom he most desired to advance. Only, he made Hugh Lupus Count Palatine of Chester*, and gave that earldom to him and his heirs, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam ad Coronam*. Whereby that earldom indeed had a royal jurisdiction and sovereignty, though the lands of that county in demesne, were possessed for the most part by the ancient inheritors.

Wales distributed to the Lords Marchers.

Again, from the time of the Norman Conquest, till the reign of King Edward the First, many of our English lords made war upon the Welchmen at their own charge; the lands which they gained they held to their own use, were called Lords Marchers, and had royal liberties within their lordships. Howbeit, these particular adventurers could never make a perfect conquest of Wales.

But when King Edward the First came in person with his army thither, kept his residence

* *Camden in Chester.*

dence and Court there; made the reducing of Wales an enterprize of his own; he finished that work in a year or two, whereof the Lords Marchers had not performed a third part, with their continual bordering war, for two hundred years before. And withal we may observe, that though this King had now the dominion of Wales in *Jure proprietatis*, as the statute of Rutland affirmeth; which before was subject unto him, but in *Jure feodali*: and though he had lost divers principal knights and noblemen in that war, yet did he not reward his servitors with whole countries or counties, but with particular manors and lordships: as to Henry Lacy Earl of Lincoln, he gave the lordship of Denbigh; and to Reignold Gray, the lordship of Ruthen, and so to others. And if the like course had been used in the winning and distributing of the lands of Ireland, that island had been fully conquered before the continent of Wales had been reduced. But the truth is, when private men attempt the conquest of countries at their own charge, commonly their enterprizes do perish without success: as when, in the time of Queen Elizabeth, Sir Thomas Smith undertook to recover the Ardes; and Chatterton, to reconquer then

Fues and Orier: the one lost his son, and the other himself; and both their adventures came to nothing. And as for the crown of England, it hath had the like fortune in the conquest of this land, as some purchasers have; who desire to buy land at too easy a rate: they find those cheap purchases so full of trouble, as they spend twice as much as the land is worth, before they get the quiet possession thereof.

And as the best policy was not observed in the distribution of the conquered lands; so as I conceive, that the first adventurers intending to make a full conquest of the Irish, were deceived in the choice of the fittest places for their plantation. For they sat down, and erected their castles and habitations in the plains and open countries; where they found most fruitful and profitable lands, and turned the Irish into the woods and mountains: which, as they were proper places for outlaws and thieves, so were they their natural castles and fortifications; thither they drove their prey and stealths; there they lurked, and lay in wait to do mischief. These fast places they kept unknown, by making the ways and entrys thereunto impassable;

passable; there they kept their creaghts or herds of cattle, living by the milk of the cow, without husbandry or tillage; there they increased and multiplied unto infinite numbers, by promiscuous generation among themselves; there they made their assemblies and conspiracies without discovery: but they discovered the weakness of the English dwelling in the open plains; and thereupon made their fallies and retreats with great advantage. Whereas, on the other side, if the English had builded their castles and towns in those places of fastness, and had driven the Irish into the plains and open countries, where they might have had an eye and observation upon them, the Irish had been easily kept in order, and in short time reclaimed from their wildness; there they would have used tillage, dwelt together in townships, learned mechanical arts and sciences. The woods had been wasted with the English habitations, as they are about the forts of Marlborough and Philipston, which were built in the fastest places in Leinster, and the ways and passages throughout Ireland would have been as clear and open as they are in England at this day.

The English lords did not reduce the woods and wastes in forests and parks.

Again, if King Henry the Second, who is said to be the King that conquered this land, had made forests in Ireland, as he did enlarge the Forests in England (for it appeareth by *Charta de Foresta*, that he afforested many woods and wastes, to the grievance of the subject, which by that law were disafforested); or if those English lords, amongst whom the whole kingdom was divided, had been good hunters, and had reduced the mountains, bogs, and woods, within the limits of forests, chaces and parks; assuredly, the very forest law, and the law *de Malefactoribus in parcis*, would in time have driven them into the plains and countries inhabited and manured, and have made them yield up their fast places to those wild beasts which were indeed less hurtful and wild than they. But it seemeth strange to me, that in all the records of this kingdom, I seldom find any mention made of a forest; and never of any park or free-warren; considering the great plenty both of vert and venison within this land; and that the chief of the nobility and gentry are descended of English race; and yet at this day, there is but one park stored with deer in all this kingdom; which is a park of the

* *Chart. de Forest. c. 2. & 3.*

the Earl of Ormond's, near Kilkenny. It is then manifest, by that which is before expressed, that the not communicating of the English laws to the Irish; the over-large grants of lands and liberties to the English; the plantation made by the English in the plains and open countries, leaving the woods and mountains to the Irish; were great defects in the civil policy, and hindered the perfection of the conquest very much. Howbeit, notwithstanding these defects and errors, the English colonies stood and maintained themselves in a reasonable good estate, as long as they retained their own ancient laws and customs, according to that of *Ennius: Moribus antiquis res stat Romana virisque*. But when the civil government grew so weak and so loose, as that the English lords would not suffer the English laws to be put in execution within their territories and feignories, but in place thereof, both they and their people embraced the Irish customs: then the estate of things, like a game at Irish, was so turned about, as the English, which hoped to make a perfect conquest of the Irish, were by them perfectly and absolutely conquered; because *Victi victoribus leges dedere*. A just punishment to our nation, that would not give laws

The English colonies rejected the English laws and customs, and embraced the Irish.

to the Irish when they might: and therefore, now the Irish gave laws to them. Therefore, this defect and failing of the English justice, in the English colonies; and the inducing of the Irish customs in lieu thereof, was the main impediment that did arrest and stop the course of the conquest; and was the only mean that enabled the Irish to recover their strength again.

The nature of
the Irish cus-
toms.

For, if we consider the nature of the Irish customs, we shall find that the people which doth use them, must of necessity be rebels to all good government, destroy the commonwealth wherein they live, and bring barbarism and desolation upon the richest and most fruitful land of the world. For, whereas by the just and honourable law of England, and by the laws of all other well-governed kingdoms and commonwealths, murder, manslaughter, rape, robbery and theft, are punished with death; by the Irish custom, or Brehon law, the highest of these offences was punished only by fine, which they called an erick. Therefore, when Sir William Fitz-Williams (being Lord Deputy) told Maguire that he was to send a sheriff into Fermanagh, being lately before made a county;

“ Your

The Irish
laws and cus-
toms, differ-
ing from the
laws and cus-
toms of all ci-
vil nations.

“ Your Sheriff (said Maguyre) shall be welcome to me, but let me know his ericke (or the price of his head) aforehand; that if my people cut it off, I may cut the erick upon the country”. As for oppression, extortion, and other trespasses, the weaker had never any remedy against the stronger: whereby it came to pass that no man could enjoy his life, his wife, his lands or goods in safety, if a mightier man than himself had an appetite to take the same from him. Wherein they were little better than cannibals, who do hunt one another; and he that hath most strength and swiftness, doth eat and devour all his fellows.

Again, in England, and all well ordered commonwealths, men have certain estates in their lands and possessions, and their inheritances descend from father to son, which doth give them encouragement to build and to plant, and to improve their lands, and to make them better for their posterities. But by the Irish custom of Tanistry, the chieftains of every country, and the chief of every Sept, had no longer estate than for life in their chiefries, the inheritance whereof did rest in no man. And these chiefries, though they

The Irish custom of Tanistry.

The Irish
custom of
Gavelkind.

had some portions of land allotted unto them, did consist chiefly in cuttings and cosheries, and other Irish exactions, whereby they did spoil and impoverish the people at their pleasure. And when their chieftains were dead, their sons or next heirs did not succeed them, but their Tanistres, who were elective, and purchased their elections by strong hand; and by the Irish custom of Gavelkind, the inferior tenanties were partable amongst all the males of the Sept, both bastards and legitimate: and after partition made, if any one of the Sept had died, his portion was not divided among his sons, but the chief of the Sept made a new partition of all the lands belonging to that Sept, and gave every one his part according to his antiquity.

The mischiefs
that arise by
these two cus-
toms.

These two Irish customs made all their possessions uncertain, being shuffled and changed, and removed so often from one to another, by new elections and partitions; which uncertainty of estates hath been the true cause of such desolation and barbarism in this land, as the like was never seen in any country that professed the name of Christ. For, though the Irish be a nation of great antiquity, and wanted neither wit nor valour;

four; and though they had received the
 Christian faith above 1200 years since; and
 were lovers of music, poetry, and all kind
 of learning, and possessed a land abounding
 with all things necessary for the civil life of
 man; yet (which is strange to be related)
 they did never build any houses of brick or
 stone, some few religious houses excepted,
 before the reign of King Henry the Second,
 though they were lords of this island for many
 hundred years before and since the conquest
 attempted by the English: albeit, when they
 saw us build castles upon their borders, they
 have only, in imitation of us, erected some
 few piles for the captains of the country: yet I
 dare boldly say, that never any particular per-
 son, either before or since, did build any stone
 or brick house for his private habitation, but
 such as have lately obtained estates, ac-
 cording to the course of the law of England.
 Neither did any of them in all this time plant
 any gardens or orchards, inclose or improve
 their lands, live together in settled villages or
 towns, nor made any provision for posterity;
 which being against all common sense and
 reason, must needs be imputed to those unrea-
 sonable customs which made their estates so
 uncertain and transitory in their possessions.

For

For who would plant, or improve, or build upon that land, which a stranger, whom he knew not, should possess after his death? for that (as Solomon noteth) is one of the strangest vanities under the sun. And this is the true reason why Ulster, and all the Irish counties, are found so waste and desolate at this day; and so would they continue to the world's end, if these customs were not abolished by the law of England.

Again, that Irish custom of gavel-kind did breed another mischief; for thereby every man being born to land, as well bastard as legitimate, they all held themselves to be gentlemen. And though their portions were ever so small, and themselves ever so poor (for gavel-kind must needs in the end make a poor gentility), yet they scorned to descend to husbandry or merchandize, or to learn any mechanical art or science. And this is the true cause why there were never any corporate towns erected in the Irish counties. As for the maritime cities and towns, most certain it is, that they were built and peopled by the Oostmen or Easterlings: for the natives of Ireland never performed so good a work as to build a city. Besides, these poor gentlemen

gentlemen were so affected unto their small portions of land, as they rather chose to live at home by theft, extortion, and coshering, than to seek any better fortunes abroad; which increased their septs, or surnames, into such numbers, as there are not to be found in any kingdom of Europe so many gentlemen of one blood, family, and surname, as there are of the O'Neales, in Ulster; of the Burkes, in Connaught; of the Geraldines and Butlers, in Munster and Leinster. And the like may be said of the inferior bloods and families; whereby it came to pass, in times of trouble and dissention, that they made great parties and factions, adhering one to another with much constancy; because they were tied together, *vinculo sanguinis*: whereas rebels and malefactors, which are tied to their leaders by no band, either of duty or blood, do more easily break and fall off one from another. And besides, their co-habitation in one country, or territory, gave them opportunity suddenly to assemble, and conspire, and rise in multitudes against the crown. And even now, in the time of peace, we find this inconvenience, that there can hardly be an indifferent trial had between the King and the subject, or between party
and

and party, by reason of this general kindred and consanguinity.

The wicked custom of coin and livery.

The mischiefs that did arise by coin and livery.

But the most wicked and mischievous custom of all others, was that of coin and livery, often before mentioned; which consisted in taking of man's-meat, horse-meat, and money, of all the inhabitants of the country, at the will and pleasure of the soldier; who, as the phrase of the Scripture is, "did eat up the people as it were bread;" for that he had no other entertainment. This extortion was originally Irish, for they used to lay bonaght upon their people, and never gave their soldier any other pay. But when the English had learned it, they used it with more insolence, and made it more intolerable; for this oppression was not temporary, or limited either to place or time; but because there was every where a continual war, either offensive or defensive, and every lord of a country, and every marcher, made war and peace at his pleasure, it became universal and perpetual; and was indeed the most heavy oppression that ever was used in any Christian or Heathen kingdom. And therefore, *vox oppressorum*, this crying sin did draw down as great, or greater plagues

plagues upon Ireland, than the oppression of the Israelites did draw upon the land of Egypt. For the plagues of Egypt, though they were grievous, were but of a short continuance; but the plagues of Ireland lasted four hundred years together. This extortion of coin and livery produced two notorious effects: first, it made the land waste; next, it made the people idle: for when the husbandman had laboured all the year, the soldier in one night consumed the fruits of all his labour, *longique perit labor irritus anni*. Had he reason then to manure the land for the next year? Or rather, might he not complain as the shepherd in Virgil?

The cause of idleness in the Irish.

*Impius hæc tam culta novalia miles habebit?
Barbarus has segetes? En quo discordia ciues
Perduxit miseros? En queis consecvimus agros?*

And hereupon of necessity came depopulation, banishment, and extirpation of the better sort of subjects; and such as remained became idle, and lookers on, expecting the event of those miseries and evil times: so as this extreme extortion and oppression hath been the true cause of the idleness of this Irish nation; and that rather the

Why the Irish are beggars in foreign countries.

vulgar

vulgar sort have chosen to be beggars in foreign countries, than to manure their own fruitful land at home.

Why the Irish
are reputed a
crafty people.

Why the Irish
are inquisitive
after news.

Lastly, this oppression did of force and necessity make the Irish a crafty people: for such as are oppressed; and live in slavery, are ever put to their shifts: *Ingenium mala sæpe movent*: and therefore, in the old comedies of Plautus and Terence, the bond-slave doth always act the cunning and crafty part. Besides, all the common people have a whining tone, or accent, in their speech, as if they did still smart or suffer some oppression. And this idleness, together with fear of imminent mischiefs, which did continually hang over their heads, have been the cause that the Irish were ever the most inquisitive people after news of any nation in the world; as St. Paul made observation upon the people of Athens, that they were an idle people, and did nothing but learn and tell news. And because these news-carriers did, by their false intelligence, many times raise troubles and rebellions in this realm, the statute of Kilkenny doth punish news-tellers (by the name of Skelaghies) with fine and ransom.

This

This extortion of coin and livery, was taken for the maintenance of their men of war: but their Irish exactions, extorted by the Chieftains and Tanists, by colour of their barbarous feigniory, were almost as grievous a burden as the other; namely, cosherings; *Cosherings.* which were visitations and progresses made by the lord and his followers among his tenants; wherein he did eat them (as the English proverb is) Out of house and home: Seffings of the Kerne, of his family, called *Seffings.* Kernety, of his horses, and horse-boys; of his dogs, and dog-boys, and the like. And, lastly, cuttings, tallages, or spendings, high *Cuttings.* or low, at his pleasure; all which, made the lord an absolute tyrant, and the tenant a very slave and villein; and in one respect more miserable than bond-slaves. For commonly the bond-slave is fed by his lord, but here the lord was fed by his bond-slave.

Lastly, there were two other customs proper and peculiar to the Irish, which being the cause of many strong combinations and factions, do tend to the utter ruin of a commonwealth. The one was Fostering, the other, Gossipred; both which have ever been of greater estimation among this people than
 2 with.

with any other nation in the Christian world. For fostering, I did never hear, or read, that it was in that use or reputation in any other country, barbarous or civil, as it hath been, and yet is, in Ireland; where they put away all their children to fosterers: the potent and rich men selling, the meaner sort buying the alterage of their children: and the reason is, because in the opinion of this people fostering hath always been a stronger alliance than blood; and the foster-children do love, and are beloved of their foster-fathers and their sept, more than of their natural parents and kindred; and do participate of their means more frankly, and do adhere unto them in all fortunes with more affection and constancy. And though Tully, in his book of Friendship, doth observe, that children of princes being sometimes, in cases of necessity for saving of their lives, delivered to shepherds, to be nourished and bred up, when they have been restored to their great fortunes, have still retained their love and affection to their fosterers, whom for many years they took to be their parents: yet this was a rare case, and few examples are to be found thereof.

But

But such a general custom in a kingdom, in giving and taking children to foster, making such a firm alliance as it doth in Ireland, was never seen or heard of in any other country of the world besides.

The like may be said of Gossipred, or Gossipred. Compaternity, which though, by the canon law, it be a spiritual affinity, and a juror that was gossip to either of the parties might, in former times, have been challenged as not indifferent by our law, yet there was no nation under the sun that ever made so religious account thereof as the Irish.

Now these two customs, which of themselves are indifferent in other kingdoms, became exceeding evil, and full of mischief in this realm, by reason of the inconveniencies which followed thereupon: for they made, as I said before, strong parties and factions, whereby the great men were enabled to oppress their inferiors, and to oppose their equals; and their followers were borne out and countenanced in all their lewd and wicked actions: for fosterers and gossips, by the common custom of Ireland, were to maintain one another in all causes lawful and unlawful;

ful; which, as it is a combination and confederacy punishable in all well-governed commonwealths, so was it not one of the least causes of the common misery of this kingdom.

I omit their common repudiation of their wives; their promiscuous generation of children; their neglect of lawful matrimony; their uncleanness in apparel, diet, and lodging; and their contempt and scorn of all things necessary for the civil life of man.

How the English colonies became degenerate.

These were the Irish customs which the English colonies did embrace and use, after they had rejected the civil and honourable laws and customs of England, whereby they became degenerate and metamorphosed, like Nebuchadnezzar; who, although he had the face of a man, had the heart of a beast: or like those who had drank of Circe's cup, and were turned into very beasts, and yet took such pleasure in their beastly manner of life, as they would not return to their shape of men again. Insomuch as, within less time than the age of a man, they had no marks or differences left amongst them of that noble nation from which they were descended. For they

they not only forgot the English language, and scorned the use thereof, but grew ashamed of their very English names, though they were noble, and of great antiquity, and took Irish surnames and nicknames. Namely, the two most potent families of the Burkes in Connaught (after the house of the Red Earl failed of heirs-males) called their chiefs, Mac William Eighter, and Mac William Oughter. In the same province, Breminham, Baron of Athenrie, called himself Mac Yoris; Dexecester, or De'exon, was called Mac Jordan. Mangle, or de Angulo, took the name of Mac Costelo. Of the inferior families of the Burkes, one was called Mac Hubbard, another Mac David. In Munster, of the great families of the Geraldines, planted there, one was called Mac Morice, chief of the house of Lixnaw; and another, Mac Gibbon, who was also called the White Knight. The chief of the Baron of Dunboyne's house, who is a branch of the house of Ormond, took the surnames of Mac Pheris. Condon, of the county of Waterford, was called Mac Maioge: and Archdeacon, of the county of Kilkenny, Mac Odo. And this they did in contempt and hatred of the

English name and nation; whereof these degenerate families became more mortal enemies than the mere Irish. And whereas the state and government, being grown weak by their defection, did, to reduce them to obedience, grant them many protections and pardons, (the cheapness whereof, in all ages, hath brought great dishonour and damage to to this commonwealth) they grew so ungrateful and unnatural, as in the end they scorned that grace and favour, because the acceptance thereof did argue them to be subjects; and they desired rather to be accounted enemies than rebels to the crown of England.

Hereupon was that old verse made, which I find written in the White Book* of the Exchequer, in a hand as ancient as the time of King Edward the Third.

By graunting charters of peas,
To false English withouten les,
This land shall be mich undoo.
But Gossipred, and alterage,
And leefing of our language,
Have mickely holp theretoo.

And

* *Alb. Libr. Scacc. Dublin.*

And therefore, in a close-roll in the Tower, bearing this title, *Articuli in Hibernia observandi*, we find these two articles among others: † 1. *Justiciarius Hiberniæ non concedat perdonationes de morte hominis, nec de roberiis, seu incendiis, & quod de cætero certificet dominum Regem de nominibus petentium.* 2. *Item, Quod nec justiciarius nec aliquis magnas Hiberniæ concedat protectiones alicui contra pacem Regis existent.* &c. But now it is fit to look

back, and consider when the old English colonies became so degenerate; and in what age they fell away into that Irish barbarism, rejecting the English laws and customs. As-
When and how the English colonies became degenerate.

surely, by comparing the ancient annals of Ireland with the records remaining here, and in the Tower of London, I do find that this general defection fell out in the latter end of the reign of King Edward the Second, and in the beginning of the reign of King Edward the Third. And all this great innovation grew within the space of thirty years; within the compass of which time there fell out divers mischievous accidents, whereby the whole kingdom was in a manner lost. For first, Edward de Bruce invaded Ireland with

K 3

the

† 5 Ed. 3. m. 25.

The Scots
over-run Ire-
land.

the Scottish army, and prevailed so far, as that he possessed the maritime parts of Ulster, marched up to the walls of Dublin, spoiled the English Pale, passed through Leinster and Munster, as far as Limrick, and was master of the field in every part of the kingdom.

This happened in the tenth year of King Edward the Second, at which time the crown of England was weaker, and suffered more dishonour in both kingdoms, than it did at any time since the Norman conquest. Then did the state of England send * over John de Hotham to be treasurer here, with commission to call the great lords of Ireland together; and to take of them an oath of association, that they should loyally join together in life and death to preserve the right of the King of England, and to expel the common enemy. But this treasurer brought neither men nor money to perform this service.

At that time, though Richard Burke, Earl of Ulster, (commonly called the Red Earl) was of greater power than any other subject in Ireland, yet was he so far stricken

in

* *Annales Hiberniæ in Camden.*

in years, as that he was unable to manage the martial affairs as he had done during all the reign of King Edward the First; having been general of the Irish forces, not only in this kingdom, but in the wars of Scotland, Wales, and Gascoigne. And therefore Maurice Fitz-Thomas of Desmond, being then the most active nobleman in this realm, took upon him the chief command in this war: for the support whereof, the revenue of this land was far too short, and yet no supply of treasure was sent out of England.

Desmond
chief com-
mander in the
war against
the Scots.

Then there was no means to maintain the army but by cessing the soldiers upon the subject, as the Irish were wont to impose their bonaught. Whereupon grew that wicked extortion of Coin and Livery, spoken of before; which in a short time banished the greatest part of the freeholders out of the county of Kerry, Limrick, Cork, and Waterford; into whose possessions Desmond, and his kinsmen, allies, and followers, which were then more Irish than English, did enter, and appropriate these lands unto themselves. Desmond himself taking what scopes he liked best for his demesnes in every country, and reserving an Irish superiority out of the rest.

When and
how the ex-
tortion of Coin
and Livery be-
gan among
the English.

And here, that I may verify and maintain, by matter of record, that which is before delivered touching the nature of this wicked extortion, called Coin and Livery, and the manifold mischiefs it did produce, I think it fit and pertinent to insert the preamble of the statute of the 10th of Henry the Seventh, c. 4. not printed, but recorded in the Parliament-rolls of Dublin, in these words: “ At the request and supplication of
 “ the Commons of this land of Ireland,
 “ that where of long time there hath been
 “ used and exacted by the lords and gentlemen of this land, many and divers
 “ damnable customs and usages, which being
 “ called Coin and Livery, and pay; that is,
 “ horse-meat, and man’s-meat, for the finding of their horse-men and foot-men; and
 “ over that, four pence or six pence daily
 “ to every of them, to be had and paid of
 “ the poor earth-tillers and tenants, inhabitants of the said land, without any thing
 “ doing or paying therefore. Besides, many
 “ murders, robberies, rapes, and other manifold extortions and oppressions, by the
 “ said horse-men and foot-men daily and
 “ nightly committed and done; which have
 “ been the principal causes of the desolation
 “ and

“ and destruction of the said land, and have
 “ brought the same into ruin and decay, so
 “ as the most part of the English freeholders,
 “ and tenants of this land being departed out
 “ thereof, some into the realm of England,
 “ and other some to other strange lands;
 “ whereupon the foresaid lords and gentlemen
 “ of this land have intruded into the said free-
 “ holders and tenants inheritances, and the
 “ same keepeth and occupieth as their own
 “ inheritances; and setteth under them in
 “ the same land the King’s Irish enemies, to
 “ the diminishing of Holy Church’s rites, the
 “ desertion of the King, and his obedient
 “ subjects, and the utter ruin and desolation
 “ of the land : For reformation whereof, be
 “ it enacted, That the King shall receive a
 “ subsidy of twenty-six shillings and eight
 “ pence out of every one hundred and twenty
 “ acres of arable land manured, &c.”

But to return to Thomas Fitz-Morice of
 Desmond : by this extortion of Coin and
 Livery, he suddenly grew from a mean to a
 mighty estate ; inſomuch as the Baron Finglas,
 in his Discourse of the Decay of Ireland, af-
 firmeth, that his ancient inheritance being
 not one thousand merks yearly, he became
 able

able to expend every way ten thousand pounds *per annum*.

These possessions, being thus unlawfully gotten, could not be maintained by the just and honourable law of England, which would have restored the true owners to their land again. And therefore this great man found no means to continue and uphold his ill purchased greatness, but by rejecting the English law and government, and assuming, in lieu thereof, the barbarous customs of the Irish. And hereupon followed the defection of those four shires, containing the greatest part of Munster, from the obedience of the law.

In like manner (saith Baron Finglas) the Lord of Tipperary, perceiving how well the house of Desmond had thriven by Coin and Livery, and other Irish exactions, began to hold the like course in the counties of Tipperary and Kilkenny; whereby he got greater scopes of land, especially in Ormond, and raised many Irish exactions upon the English freeholders there; which made him so potent and absolute among them, as at that time they knew no other law than the will of their

Lord. Besides, finding that the Earl of Desmond excluded the ordinary ministers of justice, under colour of a royal liberty, which he claimed in the counties of Kerry, Cork, and Waterford, by a grant of King Edward the First (as appeareth in a *quo warranto*, brought against him, *anno* 12 Edw. I.) the record whereof remaineth in Breminham's Tower, among the common Plea-rolls there.

This Lord also, in the third of Edward the Third, obtained a grant of the like liberty in the county of Tipperary, whereby he got the law into his own hands, and shut out the common law and justice of the realm.

And thus we see that all Munster fell away from the English law and government in the end of the reign of King Edward the Second, and in the beginning of the reign of King Edward the Third. Again, about the same time, *viz.* in the 20th year of King Edward the Second, when the state of England was well nigh ruined by the rebellion of the barons, and the government of Ireland utterly neglected, there arose in Leinster one of the Cavanaghes, named Donald Mac Art, who named himself Mac Murrough, King of Leinster,

The rising of
Mac Mur-
rough and O
Moore in
Leinster.

The defection
and loss of a
great part of
Leinster.

Leinster, and possessed himself of the county of Catherlogh, and of the greatest part of the county of Wexford.* And shortly after, Lifagh O Moore called himself O Moore, took eight castles in one evening, destroyed Dunamese, the principal house of the Lord Mortimer, in Leix, recovered that whole county, *De servo Dominus, de subiecto princeps effectus*, saith Friar Clynne, in his Annals. †

Besides, the Earl of Kildare, imitating his cousin of Desmond, did not omit to make the like use of Coin and Livery in Kildare, and the West part of Meth, which brought the like barbarism into those parts. And thus a great part of Leinster was lost, and fell away from the obedience of the crown, near about the time before expressed.

The Earl of
Ulster murdered.

Again, in the seventh year of King Edward the Third, the Lord William Burke, Earl of Ulster, and Lord of Conaught, was treacherously murdered by his own squires at Knockfergus, leaving behind him, *unicam & unius anni filiam* (saith Friar Clynne. ‡) Immediately upon the murder committed, the Countess, with her young daughter, fled into England;

* *Annales Hiberniæ in Camden.*

† *Annales Joh. Clynne. Manus.*

‡ *Annales Joh. Clynne. Manus.*

England; so as the government of that country was wholly neglected, until that young lady being married to Lionel Duke of Clarence, that Prince came over with an army, to recover his wife's inheritance, and to reform this kingdom, *anno* 36 of Edward the Third. But in the mean time what became of that great inheritance, both in Ulster and Conaught? Assuredly, in Ulster, the sept of Hugh Boy O'Neal, then possessing Glaucoukeyn and Killeightra in Tyrone, took the opportunity, and, passing over the Bann, did first * expel the English out of the barony of Tuscarrd, which is now called the Rout; and likewise out of the Glynnnes, and other lands, as far as Knockfergus; which country, or extent of land, is at this day called the Lower Clan Hugh Boy. And shortly after that, they came up into the Great Ardes, which the Latin writers call *Altitudines Ultoniæ*, and was then the inheritance of the Savages; by whom they were valiantly resisted for divers years: but at last, for want of castles and fortifications (for the saying of Henry Savage, mentioned in every story, is very memorable, That a castle of bones was better than a castle

The Earldom
of Ulster re-
covered by the
Irish.

* *Abridgment of Salus Populi. Manus. Baron Finglas. Manus.*

castle of stones) the English were over-run by the multitude of the Irish: so as about the 30th of King Edward the Third,* some few years before the arrival of the Duke of Clarence, the Savages were utterly driven out of the Great Ardes, into a little nook of land near the river of Stranford; where they now possess a little territory, called the Little Ardes; and their greater patrimony took the name of the Upper Clan Hugh Boy, from the sept of Hugh Boy O'Neal, who became invaders thereof.

The defection
of Conaught.

For Conaught, some of the younger branches of the family of the Burkes, being planted there by the Red Earl and his ancestors, seeing their chief to be cut off and dead without heir male, and no man left to govern or protect that province, intruded presently into all the Earl's lands, which ought to have been seized into the King's hands, by reason of the minority of the heir. And within a short space, two of the most potent among them divided that great lordship betwixt them: the one taking the name of Mac William Ought-er; and the other of Mac William Eighter †;

as

* *Annales Hiberniæ in Camden.*

† *Baron Finglas. Manuscript.*

as if the Lord William Burke, the last Earl of Ulster, had left two sons of one name behind him to inherit that lordship in course of gavel-kind. But they well knew, that they were but intruders upon the King's possession during the minority of the heir; they knew those lands were the rightful inheritance of that young lady; and consequently, that the law of England would speedily evict them out of their possession; and therefore, they held it the best policy to cast off the yoke of English law, and to become mere Irish: and, according to their example, drew all the rest of the English in that province to do the like; so as from thenceforth they suffered their possessions to run in course of tanistry and gavel-kind. They changed their names, language, and apparel, and all their civil manners and customs of living. Lastly, about the 25th year of King Edward the Third,* Sir Richard de Clare was slain in Thomond, and all the English colonies there utterly supplanted.

Thus, in that space of time which was between 10th year of King Edward the Second, and 30th year of King Edward the Third, (I
speak

* *Annales Hiberniæ in Camden.*

ſpeak within compaſs) by the concurrence of the miſchiefs before recited, all the old-Engliſh colonies in Munſter, Conaught, and Ulſter, and more than a third part of Leinſter, became degenerate, and fell away from the crown of England; ſo as only the four ſhires of the Engliſh Pale remained under the obedience of the law; and yet the borders and marches thereof were grown unruly, and out of order too, being ſubject to black rents and tribute of the Iriſh; which was a greater deſection than when ten of twelve tribes departed and fell away from the Kings of Judah.

What courſes have been taken to reform this kingdom, ſince the Engliſh colonies became degenerate.

But was not the ſtate of England ſenſible of this loſs and diſhonour? Did not they endeavour to recover the land that was loſt, and to reduce the ſubjects to their obedience?

Edward II.

Truly King Edward the Second, by the incurſions of the Scottiſh nation, and by the infurrection of his barons, who raiſed his wife and ſon againſt him, and in the end depoſed him, was diverted, and utterly diſabled to reform the diſorders of Ireland. But as ſoon

soon as the crown of England was transferred to King Edward the Third, though he was yet in his minority, the state there began to look into the desperate situation of things here; and finding such a general defection*, letters were sent from the King to the great men and prelates, requiring them particularly to swear fealty to the crown of England.

King Edward the Third did first endeavour a reformation,

Shortly after, Sir Anthony Lucie, a person of great authority in England in those days, was sent over to work a reformation in this kingdom, by a severe course; and to that end the King wrote expressly to the Earl of Ulster, and others of the nobility, to assist him, as is before remembered. Presently, upon his arrival, he arrested Maurice Fitz-Thomas, Earl of Desmond, and Sir William Breminham, and committed them prisoners to the Castle of Dublin †: where Sir William Breminham was executed for treason, though the Earl of Desmond was left to mainprize, upon condition he should appear before the King by a certain day, and in the mean time to continue loyal.

Sir Anthony Lucie.

L

After

* *Archiv. Turr. 2. E. 3. claus. pers. 1. m. 16.*

† *Annales Hiberniae in Camden.*

Refumption
of liberties.

After this, the King being advertised that the over-large grants of lands and liberties made to the Lords of English blood in Ireland, made them so insolent, that they scorned to obey the law and the magistrate, did absolutely resume all such grants as is before declared. But the Earl of Desmond, above all men, found himself grieved with this resumption, or repeal of liberties; and declared his dislike and discontentment, insomuch as he did not only refuse to come to a parliament at Dublin, summoned by Sir William Morris, Deputy to the Lord John Darcy, the King's Lieutenant; but (as we have said before) he raised such dissension between the English of blood and the English of birth, as the like was never seen from the time of the first planting of our nation in Ireland. And in this factious and seditious humour he drew the Earl of Kildare*, and the rest of the nobility, with the citizens and burgessees of the principal towns, to hold a several parliament by themselves at Kilkenny; where they framed certain articles against the Deputy, and transmitted the same into England to the King.

Hereupon,

* *Annales Hiberniae in Camden.*

Hereupon Sir Ralph Ufford, who had ^{Sir Ralph Ufford.} lately before married the Countess of Ulster, a man of courage and severity, was made Lord Justice*; who forthwith calling a parliament, sent a special commandment to the Earl of Desmond to appear in that great council; but the Earl wilfully refused to come. Whereupon the Lord Justice raised the King's standard†, and marching with an army into Munster, seized into the King's hands all the possessions of the Earl, took and executed his principal followers, Sir Eustace le Poer, Sir William Graunt, and Sir John Cotterell; forced the Earl himself to fly and lurk, till twenty-six noblemen and knights became mainpernors for his appearance at a certain day prefixed: but he making default the second time, the utmost advantage was taken against his sureties. Besides, at the same time, this Lord Justice caused the Earl of Kildare to be arrested, and committed to the Castle of Dublin; indited and imprisoned many other disobedient subjects; called in, and cancelled such charters as were lately before resumed; and proceeded every way so roundly and severely, as the nobility, which

L 2

were

* *Annales Johannis Clynne. Manus.*

† *Annales Hiberniae in Camden.*

were wont to suffer no controlment, did much distaste him; and the commons, who in this land have ever been more devoted to their immediate lords here, whom they saw every day, than unto their sovereign Lord and King, whom they never saw, spake ill of this Governor, as of a rigorous and cruel man, though in troth he was a singular good justicer; and, if he had not died in the second year of his government, was the likeliest person of that age to have reformed and reduced the degenerate English colonies to their natural obedience of the crown of England.

Morice Fitz-Thomas, the first Earl of Desmond, the author of the great oppressions and dissensions which destroyed the English colonies.

Thus much then we may observe by the way, that Morice Fitz-Thomas, the first Earl of Desmond, was the first English Lord that imposed Coin and Livery upon the King's subjects; and the first that raised his estate to immoderate greatness, by that wicked extortion and oppression; that he was the first that rejected the English laws and government, and drew others, by his example, to do the like; that he was the first peer of Ireland that refused to come to the parliament summoned by the King's authority; that he was the first that made a division and distinction

distinction between the English of blood and the English of birth.

And as this Earl was the only author and first actor of these mischiefs which gave the greatest impediment to the full conquest of Ireland; so it is to be noted, that albeit others of his rank afterwards offended in the same kind, whereby their houses were many times in danger of ruin, yet was there not ever any noble house of English race in Ireland utterly destroyed and finally rooted out by the hand of justice, but the house of Desmond only; nor any peer of this realm ever put to death (though divers have been attainted) but Thomas Fitz-James the Earl of Desmond only; and only for those wicked customs brought in by the first Earl, and practised by his posterity, though by several laws they were made high-treason. And therefore, though in the 7th of Edward the Fourth, during the government of the Lord Tiptoft, Earl of Worcester, both the Earls of Desmond and Kildare were attainted by parliament at Drogheda, for alliance and fostering with the Irish, and for taking Coin and Livery of the King's subjects, yet was

The fortune
of the house
of Desmond.

The council-
book of Ire-
land. 32 H. 8.

Desmond only put to death; for the Earl of Kildare received his pardon. And albeit the son of this Earl of Desmond, who lost his head at Drogheda, was restored to the Earldom, yet could not the King's grace regenerate obedience in that degenerate house; but it grew rather more wild and barbarous than before: for from thenceforth they reclaimed a strange privilege: "That the
" Earls of Desmond should never come to
" any parliament or grand council, or within
" any walled town, but at their will and
" pleasure." Which pretended privilege, James Earl of Desmond, the father of Girald, the last Earl, renounced and surrendered, by his deed in the Chancery of Ireland, in the 32d of Henry the Eighth. At which time, among the mere Irish, he submitted himself to Sir Anthony Saint Leger, then Lord-Deputy, took an oath of allegiance, covenanted that he would suffer the law of England to be executed in his country, and assist the King's judges in their circuits; and if any subsidies should be granted by parliament, he would permit the same to be levied upon his tenants and followers: which covenants are as strange as the privilege itself,
spoken

spoken of before. But that which I conceive most worthy of observation upon the fortunes of the house of Desmond is this: That as Morice Fitz-Thomas, the first Earl, did first raise the greatness of that house, by Irish exactions and oppressions; so Girald, the last Earl, did at last ruin and reduce it to nothing, by using the like extortions. For certain it is, that the first occasion of his rebellion grew from hence: That when he attempted to charge the Decies in the county of Waterford with Coin and Livery, Black Rents, and Cosheries, after the Irish manner, he was resisted by the Earl of Ormond, and, upon an encounter, overthrown and taken prisoner; which made his heart so unquiet, as it easily conceived treason against the crown, and brought forth actual and open rebellion, wherein he perished himself, and made a final extinguishment of his house and honour. Oppression and extortion did maintain the greatness; and oppression and extortion did extinguish the greatness of that house: which may well be expressed by the old emblem of a torch turned downwards, with this word, *Quod me alit, extinguit.*

Now let us return to the course of reformation held and pursued here after the death of Sir Ralph Ufford, which happened in the twentieth year of King Edward III. After which time, albeit all the power and counsel of England was converted towards the conquest of France, yet was not the work of reformation altogether discontinued. For, in the 25th year of King Edward the Third, Sir Thomas Rookeby, another worthy governor, whom I have before named, held a Parliament at Kilkenny, wherein many excellent laws were propounded and enacted for the reducing of the English Colonies to their obedience; which laws we find enrolled in the remembrancer's office here; and differ not much in substance from those other statutes of Kilkenny, which not long after (during the government of Lionel Duke of Clarence) were not only enacted, but put in execution. This noble Prince having married the daughter and heir of Ulster, and being likewise a co-partner of the county of Kilkenny, in the thirty-sixth year of King Edward the Third, came over the King's Lieutenant, attended with a good retinue of martial men, as is before remembered, and a grave and honourable council, as well for peace as for war.

But

The course of
reformation
pursued by
Lionel Duke
of Clarence.

But because this army was not of a competent strength to break and subdue all the Irish (although he quieted the borders of the English Pale, and held all Ireland in awe with his name and presence), the principal service that he intended was, to reform the degenerate English Colonies, and to reduce them to obedience of the English law and magistrate. To that end, in the fortieth year of King Edward the Third, he held that famous Parliament at Kilkenny, wherein many notable laws were enacted, which do shew and lay open (for the law doth best discover enormities) how much the English Colonies were corrupted at that time, and do infallibly prove that which is laid down before, that they were wholly degenerate, and fallen away from their obedience. For first, it appeareth by the preamble of these laws, that the English of this realm, before the coming over of Lionel Duke of Clarence, were at that time become mere Irish in their language, names, apparel, and all their manner of living, and had rejected the English laws, and submitted themselves to the Irish, with whom they had many * marriages and alliances,

* *Archiv. in Castro Dublin.*

alliances, which tended to the utter ruin and destruction of the commonwealth : therefore, alliance by marriage, nurture of infants, and gossipred with the Irish, are by this † statute made high treason. Again, if any man of English race should use an Irish name, Irish language, or Irish apparel, or any other guise or fashion of the Irish ; if he had lands or tenements, the same should be seized till he had given security to the Chancery, to conform himself in all points to the English manner of living ; and if he had no lands, his body was to be taken and imprisoned till he found sureties as aforesaid.

Again, it was established and commanded, that the English in all their controversies should be ruled and governed by the common law of England : and if any did submit himself to the Brehon law, or March law, he should be adjudged a traitor.

Again, because the English at that time made war and peace with the bordering enemy at their pleasure, they were expressly prohibited to levy war upon the Irish, without

† *Statutes of Kilkenny*, C. 2, 3, 4, and 10.

out special warrant and direction from the state.

Again, it was made penal to the English to permit the Irish to creaght or graze upon their lands † : to present them to ecclesiastical benefices ; to receive them into any monasteries, or religious houses, or to entertain any of their minstrels, rhymers, or news-tellers : to impose or assess any horse or foot upon the English subjects against their will, was made felony. And because the great liberties of franchises spoken of before were become sanctuaries for all malefactors, express power was given to the King's Sheriffs to enter into all franchises, and there to apprehend all felons and traitors. And lastly, because the great lords, when they levied forces for the public service, did lay unequal burthens upon the gentlemen and freeholders, it was ordained, that four Wardens of the peace in every county should set down and appoint what men and armour every man should bear, according to his freehold, or other ability of his estate.

These,

† *Statutes of Kilkenny, C. 12, 13, 15, 17, 22, and 24.*

The statutes
of Kilkenny
did much re-
form the de-
generate
English.

These, and other laws, tending to a general reformation, were enacted in that Parliament: and the execution of these laws, together with the presence of the King's son, made a notable alteration in the state and manners of this people within the space of seven years, which was the term of this prince's lieutenancy.

For all the discourses that I have seen of the decay of Ireland do agree in this, that the presence of the Lord Lionel, and these statutes of Kilkenny, did restore the English government in the degenerate colonies for divers years. And the * statute of the tenth of Henry the Seventh, which reviveth and confirmeth the statutes of Kilkenny, doth confirm as much. For it declareth, "That as long as these laws were put in use and execution, this land continued in prosperity and honour: and since they were not executed, the subjects rebelled and digressed from their allegiance, and the land fell to ruin and desolation." And withal we find the effect of these laws in the Pipe-rolls and Plea-rolls of this kingdom: for, from the thirty-sixth of Edward the Third, when this Prince entered
into

* Stat. 10. Hen. 7. C. 8.

into his government, till the beginning of Richard the Second's reign, we find the revenue of the Crown both certain and casual in Ulster, Munster, and Connaught, accounted for; and that the King's Writ did run, and the common law was executed in all of these provinces. I join with these laws the personal presence of the King's son, as a concurrent cause of this reformation: "Because the people of this land, both English and Irish, out of a natural pride, did ever love and desire to be governed by great persons." And therefore I may here justly take occasion to note, that first the absence of the Kings of England, and next the absence of those great lords, who were inheritors of those mighty feignories of Leinster, Ulster, Connaught, and Meth, have been main causes why this kingdom was not reduced in so many ages.

The presence of the King's son did much advance the reformation.

Absence of our Kings and great English Lords, a chief cause why the kingdom was not reduced.

Touching the absence of our Kings, three of them only since the Norman Conquest have made royal journies into this land; namely, King Henry the Second, King John, and King Richard the Second. And yet they no sooner arrived here, but that all the Irish

Absence of our Kings.

Irish (as if they had been but one man) submitted themselves, took oaths of fidelity, and gave pledges and hostages to continue loyal; and, if any of those Kings had continued here in person a competent time, till they had settled both English and Irish in their several possessions, and had set the law in a due course throughout the kingdom; these times wherein we live had not gained the honour of the final conquest and reducing of Ireland. For the King (saith Solomon) *dissipat omne malum intuitu suo*. But when Moses was absent in the mount, the people committed idolatry: and when there was no King in Israel, every man did what seemed best in his own eyes.

And therefore when Alexander had conquered the East part of the world, and demanded of one what was the fittest place for the seat of his empire, he brought and laid a dry hide before him, and desired him to set his foot on the one side thereof; which being done, all the other parts of the hide did rise up: but when he did set his foot in the middle of the hide, all the other parts lay flat and even: which was a lively demonstration that, if a Prince keep his residence in the border
of

of his dominions, the remote parts will easily rise and rebel against him; but if he make the centre thereof his seat, he shall easily keep them in peace and obedience.

Touching the absence of the great lords : ^{The absence of the great English lords.}
 All writers do impute the decay and loss of Leinster to the absence of the English lords, who married the five daughters of William Marshall, Earl of Pembroke (to whom that great feigniory descended), when his five sons, who inherited the same * successively, and during their times held the same in peace and obedience to the law of England, were all dead without issue : which happened about the fortieth year of King Henry the Third : for the eldest being married to Hugh Bigot, Earl of Norfolk, who, in right of his wife, had the Marshalship of England ; the second, to Warren de Mountchenfey, whose sole daughter and heir was matched to William de Valentia, half brother to King Henry III. who by that match was made Earl of Pembroke ; the third, to Gilbert de Clare, Earl of Gloucester ; the fourth, to William Ferrers, Earl of Darby ; the fifth, to William

* *Baron Pinglas, Manuscript.*

liam de Bruce, Lord of Brecknock. These great lords having greater inheritances in their own right in England than they had in Ireland in right of their wives (and yet each of the co-partners had an intire county allotted for her purparty, as is before declared), could not be drawn to make their personal residence in this kingdom, but managed their estates here by their seneschals and servants. And to defend their territories against the bordering Irish, they entertained some of the natives, who pretended a perpetual title to those great lordships. For the Irish, after a thousand conquests and attainders by our law, would in those days pretend title still, because by the Irish law no man could forfeit his land. These natives, taking the opportunity in weak and desperate times, usurped those feignories *; and so Donald Mac Art Cavanagh, being entertained by the Earl of Norfolk, made himself lord of the county of Catherlogh; and Lifagh O'Moore, being trusted by the Lord Mortimer, who married the daughter and heir of the Lord Bruce, made himself lord of the lands in Leix, in the latter

* *Baron Finglas, Manuscript.*

latter end of King Edward the Second's reign, as is before declared.

Again, the decay and loss of Ulster and Conaught is attributed to this; that the Lord William Burke, the last earl of that name, died without issue male; whose ancestors, namely the Red Earl and Sir Hugh De Lacy, before him, being personally resident, held up their greatness there, and kept the English in peace, and the Irish in awe: but when those provinces descended upon an heir female, and an infant, the Irish overran Ulster, and the younger branches of the Burkes usurped Conaught. And therefore the * ordinance made in England, the third of Richard II. against such as were absent from their lands in Ireland, and gave two-third parts of the profits thereof unto the King, until they returned, or placed a sufficient number of men to defend the same, was grounded upon good reason of state: which ordinance was put in execution for many years after, as appeareth by fundry seizures made thereupon, in the time of King Richard II. Henry IV. Henry V. and Henry

M VI.

* *Archiv. Turr. Rot. Parliam. n. 42.*

VI. whereof there remain records in the Remembrancer's office here *. Among the rest, the Duke of Norfolk himself was not spared, but was impleaded upon this ordinance, for two parts of the profits of Dorbury's Island, and other lands in the county of Wexford, in the time of King Henry VI. And afterwards, upon the same reason of state, all the lands of the house of Norfolk, of the Earl of Shrewsbury, the Lord Berkley, and others, who, having lands in Ireland, kept their continual residence in England, were intirely resumed by the † Act of Absentees, made in the twenty-eighth year of King Henry the Eighth.

But now again, let us look back and see how long the effect of that reformation did continue, which was begun by Lionel Duke of Clarence, in the fortieth year of King Edward III. and what courses have been held to reduce and reform this people by other Lieutenants and Governors since that time.

The English colonies, being in some good measure reformed by the statutes of Kilkenny, did

* *Archiv. in offic. Remem. Dublin*

† *Act of Absentees, 28 Hen. 8.*

did not utterly fall away into barbarism again, till the wars of the two Houses had almost destroyed both these kingdoms; for in that miserable time the Irish found opportunity, without opposition, to banish the English law and government out of all the provinces, and to confine it only to the English Pale: howbeit, in the mean time, between the government of the Duke of Clarence and the beginning of those civil wars of York and Lancaster, we find that the state of England did fundry times resolve to proceed in this work of reformation.

For first King Richard II. sent over Sir Nicholas Dagworth to survey the possessions of the Crown, and to call to account the officers of the revenue; * next (to draw his English subjects to manure and defend their lands in Ireland) he made that ordinance against absentees, spoken of before. Again, he shewed an excellent example of justice upon Sir Philip Courtney, being his Lieutenant of that kingdom, when he caused him to be arrested by special Commissioners, upon

M 2

complaint

* Archiv. Turr. 3 Rich. 2. cl. m. 3. 3 Rich. 2.
Rot. Parliam. 11. 42. 9 Rich. 2. claus. m. 1.

complaint made of fundry grievous oppressions and wrongs, which, during his government, he had done unto that people.

After this, the Parliament of England did resolve † that Thomas Duke of Gloucester, the King's uncle, should be employed in the reformation and reducing of that kingdom: the fame whereof was no sooner bruited in Ireland, but all the Irish were ready to submit themselves before his coming: so much the very name of a great personage, especially of a Prince of the blood, did ever prevail with this people. But the King and his minions, who were ever jealous of this Duke of Gloucester, would not suffer him to have the honour of that service. But the King himself thought it a work worthy of his own presence and pains: and, thereupon, himself in person made those two royal journies mentioned before: at which time he received the submissions of all the Irish lords and captains, who bound themselves both by indenture and oath to become and continue his loyal subjects. And withal, laid a particular project for a civil plantation of the mountains and maritime counties between Dublin and Wexford,

† *Walsing. in Rich. 2. 349. a.*

Wexford, by removing all the Irish septs from thence, as appeareth by the covenants between the Earl Marshal of England and those Irish septs, which are before remembered, and are yet preserved and remain on record in the King's Remembrancer's office at Westminster. Lastly, this King, being present in Ireland, took special care to supply and furnish the courts of justice with able and sufficient judges; and to that end he made that grave and learned judge, Sir William Hankeford, Chief-justice of the King's Bench here, (who afterwards, for his service in this realm, was made Chief Justice of the King's Bench in England * by King Henry IV.) and did withal affociate unto him William Sturmy, a well-learned man in the law, who likewise came out of England with the King, that the legal proceedings (which were out of order too, as all other things in that realm were) might be amended, and made formal, according to the course and presidents of England. But all the good purposes and projects of this King were interrupted and utterly defeated by his sudden departure out of Ireland, and unhappy deposition from the Crown of England.

M 3

Howbeit,

* *Plac. coram Rege in Hibernia, Hillar. 18 Rich. 2.*

The reforma-
tion intended
by Hen. IV.

Howbeit, King Henry the Fourth, intending likewise to prosecute this noble work, in the third year of his reign, made the Lord Thomas of Lancaster, his second son, Lieutenant of Ireland; who came over in person, and accepted again the submissions of divers Irish lords and captains, as is before remembered; and held also a Parliament, wherein he gave new life to the statutes of Kilkenny, and made other good laws tending to the reformation of the kingdom. But the troubles raised against the King his father in England drew him home again so soon, as that seed of reformation took no root at all; neither had his service in that kind any good effect or success,

After this the state of England had no leisure to think of a general reformation in this realm, till the civil dissensions of England were appeased, and the peace of that kingdom settled by King Henry the Seventh.

For, albeit, in the time of King Henry the Sixth, Richard Duke of York, a Prince of the blood, of great wisdom and valour, and heir to a third part of the kingdom at least, being Earl of Ulster and Lord of Conaught
and

and Meth, was sent the King's Lieutenant into Ireland, to recover and reform that realm, where he was resident in person for the greatest part of ten years ; yet the truth is, he aimed at another mark, which was the Crown of England : and therefore he thought it no policy to disgust either the English or Irish by a course of reformation, but sought by all means to please them, and by popular courses to steal away their hearts, to the end he might strengthen his party, when he should set on foot his title, as is before declared. Which policy of his took such effect, as that he drew over with him into England the flower of all the English colonies, especially of Ulster and Meth, whereof many noblemen and gentlemen were slain with him at Wakefield (as is likewise before remembered). And after his death, when the wars between the Houses were in their heat, almost all the good English blood which was left in Ireland was spent in those civil dissensions ; so as the Irish became victorious over all, without blood or sweat : only that little canton of land called the English Pale, containing four small shires, did maintain a bordering war with the Irish, and retain the form of English government.

But out of that little precinct there were no lords, knights, or burgesſes, ſummoned to the parliament; neither did the King's writ run in any other part of the kingdom: and yet upon the marches and borders, which at that time were grown ſo large that they took up half Dublin, half Meth, and a third part of Kildare and Lowth, there was no law in uſe but the march-law, which in the ſtatutes of Kilkenny is ſaid to be no law, but a lewd cuſtom.

So that, upon the end of theſe civil wars in England, the Engliſh law and government was well nigh baniſhed out of Ireland, ſo that no foot-ſtep or print was left of any former reformation.

The courſe of reformation held by Sir Edward Poynings, in the time of King Henry VII.

Then did King Henry the Seventh ſend over Sir Edward Poynings to be his Deputy, a right worthy ſervitor both in war and peace.

The principal end of his employment was to expel Perkin Warbeck out of this kingdom; but, that ſervice being performed, that worthy Deputy, finding nothing but a common miſery, took the beſt courſe he poſſibly could to eſtabliſh a commonwealth in Ireland; and to that end he held a parliament no
leſs

less famous than that of Kilkenny, and more available for the reformation of the whole kingdom. For, whereas all wise men did ever concur in opinion, that the readiest way to reform Ireland was to settle a form of civil government there, conformable to that of England: To bring this to pass, Sir Edward Poynings did pass an act, whereby all the statutes made in England before that time were enacted, established, and made of force in Ireland. Neither did he only respect the time past, but provided also for the time to come; for he caused another law to be made, that no act should be propounded in any parliament of Ireland, but such as should be first transmitted into England, and approved by the King and council there as good and expedient for that land, and so returned back again under the great seal of England. This act, though it seemed, *prima facie*, to restrain the liberty of the subjects of Ireland, yet it was made at the prayer of the commons, upon just and important cause.

For the governors of that realm, especially such as were of that country birth, had laid many oppressions upon the commons: and, amongst

amongst the rest, they had imposed laws upon them, not tending to the general good, but to serve private turns, and to strengthen their particular factions. This moved them to refer all laws that were to be passed in Ireland, to be considered, corrected, and allowed first by the state of England, which had always been tender and careful of the good of this people, and had long since made them a civil, rich, and happy nation, if their own lords and governors there had not sent bad intelligence into England. Besides this, he took special order that the summons of parliament should go into all the shires of Ireland, and not to the four shires only; and, for that cause especially, he caused all the acts of a parliament, lately before holden by the Viscount of Gormanston, to be repealed, and made void. Moreover, that the parliaments of Ireland might want no decent or honourable form that was used in England, he caused a particular act to pass, that the lords of Ireland should appear in the like parliament robes as the English lords are wont to wear in the parliaments of England. Having thus established all the statutes of England in Ireland, and set in order the great council of that realm,

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he did not omit to pass other laws, as well for the encrease of the King's revenue as the preservation of the public peace.

To advance the profits of the crown, first, he obtained a subsidy of twenty-six shillings and eight pence out of every six score acres manured, payable yearly for five years. Next, he resumed all the crown land which had been alienated (for the most part) by Richard Duke of York: and, lastly, he procured a subsidy of poundage out of all merchandizes imported and exported, to be granted to the crown in perpetuity.

To preserve the public peace, he revived the statutes of Kilkenny. He made wilful murder high-treason; he caused the marchers to book their men, for whom they should answer; and restrained the making war or peace without special commission from the state.

These laws, and others as important as these, for the making a commonwealth in Ireland, were made in the government of Sir Edward Poyning. But these laws did not spread their virtue beyond the English Pale, though they were made generally for
the

the whole kingdom. For the provinces without the Pale, which, during the war of York and Lancaster, had wholly cast off the English government, were not apt to receive this seed of reformation, because they were not first broken and mastered again with the sword. Besides, the Irish countries, which contained two third parts of the kingdom, were not reduced to shire-ground, so that in them the laws of England could not possibly be put in execution. Therefore these good laws and provisions, made by Sir Edward Poynings, were like good lessons set for a lute that is broken and out of tune; of which lessons little use can be made, till the lute be made fit to be played on.

And that the execution of all these laws had no greater latitude than the Pale is manifest by the statute of 13 Henry the Eighth, c. 3. which recites, that at that time the King's laws were obeyed and executed in the four shires only; and yet the Earl of Surry was then Lieutenant of Ireland, a Governor much feared of the King's enemies, and exceedingly honoured and beloved of the King's subjects. And the instructions given by the state of Ireland to

John Allen, Master of the Rolls, employed in England near about the same time, do declare as much* ; wherein, among other things, he is required to advertise the King, that his land of Ireland was so much decayed, that the King's laws were not obeyed twenty miles in compass. Whereupon grew that bye-word used by the Irish, viz. "That
 " they dwelt by west the law, which dwelt
 " beyond the river of the Barrow ;" which is within thirty miles of Dublin. The same is testified by Baron Finglas, in his Discourse of the Decay of Ireland, which he wrote about the twentieth year of King Henry the Eighth. And thus we see the effect of the reformation which was intended by Sir Edward Poynings.

The next attempt of reformation was made in the 28th year of King Henry the Eighth, by the Lord Leonard Grey, who was created Viscount of Garry in this kingdom, and held a parliament, wherein many excellent laws were made. But to prepare the minds of the people to obey these laws, he began first with a martial course : for, being sent over to suppress the rebellion of the Geraldines
 (which

The reformation intended by the Lord Leonard Grey, 28 H. VIII.

* *The Council Book of Ireland, 16 H. 8.*

(which he performed in a few months), he afterwards made a victorious circuit round about the kingdom*; beginning in Offaly against O'Connor, who had aided the Geraldines in their rebellion; and from thence passing along through all the Irish counties in Leinster, and so into Munster, where he took pledges of the degenerate Earl of Desmond, and thence into Conaught, and thence into Ulster; and then concluded this warlike progress with the battle of Belahoo, in the borders of Meth, as is before remembered.

The principal septs of the Irish being all terrified, and most of them broken in this journey, many of their chief lords, upon this Deputy's return, came to Dublin †, and made their submissions to the crown of England: namely, the O'Neales and O'Relies of Ulster; Mac Murrough, O'Birne, and O'Carrol, of Leinster; and the Burkes of Conaught.

This preparation being made, he first propounded and passed in parliament those laws which made the great alteration in the state ecclesiastical: namely, the act which declared
King

* *Annales Hiberniæ. Manus.*

† *The Council Book of Ireland, 28 H. 8.*

King Henry the Eighth to be Supreme Head of the Church of Ireland : the act prohibiting appeals to the Church of Rome : the act for first fruits and twentieth part to be paid to the King : the act for faculties and dispensations : and lastly, the act that did utterly abolish the usurped authority of the Pope. Next, for the encrease of the King's revenue, by one act he suppressed fundry abbies and religious houses ; and by another act resumed the lands of the absentees (as is before remembered).

And, for the civil government, a special statute was made, to abolish the black-rents and tributes exacted by the Irish upon the English colonies ; and another law enacted that the English apparel, language, and manner of living, should be used by all such as would acknowledge themselves the King's subjects. This parliament being ended, the Lord Leonard Grey was suddenly revoked, and put to death in England, so that he lived not to finish the work of reformation which he had begun ; which, notwithstanding, was well pursued by his successor Sir Anthony Saint Leger : unto whom all the lords and chieftains of the Irish, and of the degenerate English

The course of
reformation
pursued by
Sir Anthony
Saint Leger.

Four general
submissions
of the Irish.

English throughout the kingdom, made their several submissions by indenture; which was the fourth general submission of the Irish made since the first attempt of the conquest of Ireland: whereof the first was made to King Henry the Second; the second to King John; the third to King Richard the Second; and his last to Sir Anthony Saint Leger, in 33 of Henry the Eighth.

The Irish and
degenerate
English re-
nounce the
Pope.

In these indentures of submission, all the Irish Lords do acknowledge King Henry the Eighth to be their Sovereign Lord and King, and desire to be accepted of him as subjects*. They confess the King's supremacy in all causes, and do utterly renounce the Pope's jurisdiction; which I conceive to be worth the noting, because when the Irish had once resolved to obey the King, they made no scruple to renounce the Pope. And this was not only done by the mere Irish, but the chief of the degenerate English families did perform the same; as Desmond, Barry, and Roche, in Munster; and the Burkes, which bore the title of Mac William, in Conaught.

These

* *The Council Book of Ireland*, 32, 33, and 34 of H. 8.

These submissions being thus taken, the Lord-Deputy and Council for the present government of those Irish countries made certain ordinances of state, not agreeable altogether with the rules of the law of England; the reason whereof is expressed in the preamble of those ordinances: *Quia nondum sic sapiunt leges & jura, ut secundum eam jam immediatè vivere & regi possint.* The

The Council
Book of Ire-
land, 3 H.
VIII.

chief points, or articles, of which orders registered in the Council Book, are these: That King Henry the Eighth should be accepted, reputed, and named King of Ireland, by all the inhabitants of the kingdom: that all Archbishops and Bishops should be permitted to exercise their jurisdiction in every diocese throughout the land: that tithes should be duly set out and paid: that children should not be admitted to benefices: that for every man-slaughter, and theft above fourteen pence, committed in the Irish countries, the offender should pay a fine of forty pounds; twenty pounds to the King, and twenty pounds to the Captain of the country: and for every theft under fourteen pence, a fine of five marks should be paid; forty-six shillings and eight pence

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to the Captain, and twenty shillings to the Tanister: that horsemen and kern should not be imposed upon the common people, to be fed and maintained by them: that the master should answer for his servants, and the father for his children: that cuttings should not be made by the Lord upon his tenants, to maintain war with his neighbours, but only to bear his necessary expences, &c.

These ordinances of state being made and published, there were nominated and appointed in every province certain orderers, or arbitrators, who, instead of these Irish Brehons, should hear and determine all their controversies. In Conaught, the Archbishop of Tuam, the Bishop of Clonfert, Captain Wakely, and Captain Ovington. In Munster, the Bishop of Waterford, the Bishop of Corke and Ross, the Mayor of Corke, and Mayor of Youghall. In Ulster, the Archbishop of Armagh, and the Lord of Lowth. And if any difference did arise which they could not end, either for the difficulty of the cause, or for the obstinacy of the parties, they were to certify the Lord-Deputy and Council, who would decide the matter by their authority.

Hereupon,

Hereupon, the Irish Captains of lesser territories, which had ever been oppressed by the greater and mightier, some with risings out, others with bonaght, and others with cuttings, and spendings at pleasure, did appeal for justice to the Lord-Deputy; who, upon hearing their complaints, did always order, that they should all immediately depend upon the King, and that the weaker should have no dependancy upon the stronger.

Lastly, he prevailed so much with the greatest of them, namely, O'Neale, O'Brien, and Mac William, that they willingly did pass into England, and presented themselves to the King; who thereupon was pleased to advance them to the degree and honour of Earls, and to grant unto them their several countries, by letters patent. Besides, that they might learn obedience and civility of manners, by often repairing unto the state, the King, upon the motion of the same Deputy, gave each of them a house and lands near Dublin, for the entertainment of their several trains.

This course did this Governor take to reform the Irish; but withal, he did not omit

to advance both the honour and profit of the King. For in the parliament which he held, 33 of Henry the Eighth, he caused an act to pass, which gave unto King Henry the Eighth, his heirs and successors, the name, style, and title of King of Ireland: whereas, before that time, the Kings of England were stiled but Lords of Ireland; albeit, indeed, they were absolute Monarchs thereof, and had in right all royal and imperial jurisdiction and power there, as they had in the realm of England. And yet, because in the vulgar conceit the name of King is higher than the name of Lord, assuredly the assuming of this title hath not a little raised the sovereignty of the King of England in the minds of this people. Lastly, this Deputy brought a great augmentation to the King's revenue, by dissolving all the monasteries and religious houses in Ireland, which was done in the same parliament: and afterwards, by procuring Min and Cavendish, two skilful auditors, to be sent over out of England, who took an exact survey of all the possessions of the crown, and brought many things into charge which had been concealed and subtracted for many years before. And thus far did Sir Anthony
Saint

Saint Leger proceed in the course of reformation; which, though it was a good beginning, yet it was far from reducing Ireland to the perfect obedience of the crown of England. For all this while the provinces of Conaught and Ulster, and a good part of Leinster, were not reduced to shire-ground. And though Munster was antiently divided into counties, the people were so degenerate as no justice of assize durst execute his commission amongst them; none of the Irish lords or tenants were settled in their possessions, by any grant or confirmation from the crown, except the three great Earls before named; who, notwithstanding, did govern their tenants and followers by the Irish or Brehon law; so as no treason, murder, rape, or theft, committed in those countries, was enquired of, or punished by the law of England: and consequently no escheat, forfeiture, or fine, no revenue (certain or casual) did accrue to the crown out of those provinces.

The next worthy Governor that endeavoured to advance this reformation, was Thomas Earl of Suffex; who having thoroughly broken and subdued the two most rebellious

The course of reformation prosecuted by Thomas Earl of Suffex, in the time of Q. Mary.

Leix and Offaly made two counties.

rebellious and powerful Irish Septs in Leinster, namely, the Moors and O'Connors, possessing the territories of Leix and Offaly, did by act of parliament, 3 & 4 *Phil. & Mariae**, reduce those countries into two several counties, naming the one the King's, and the other the Queen's County; which were the first two counties that had been made in this kingdom since the twelfth year of King John; at which time the territories then possessed by the English colonies were reduced into twelve shires, as is before expressed.

This noble Earl having thus extended the jurisdiction of the English law into two counties more, was not satisfied with that addition, but took a resolution to divide all the rest of the Irish countries unreduced into several shires; and to that end he caused an act to pass in the same parliament, authorizing the Lord Chancellor, from time to time, to award commissions to such persons as the Lord-Deputy should nominate and appoint, to view and perambulate those Irish territories, and thereupon to divide and limit the same into such and so many several counties

* 3 & 4 *Phil. & Mariae*.

counties as they should think fit; which being certified to the Lord-Deputy, and approved by him, should be returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were done by act of parliament.

Thus did the Earl of Suffex lay open a passage for the civil government into the unreformed parts of this kingdom, but himself proceeded no further than is before declared.

Howbeit afterwards, during the reign of Queen Elizabeth, Sir Henry Sidney (who hath left behind him many monuments of a good governor in this land) did not only pursue that course which the Earl of Suffex began, in reducing the Irish countries into shires, and placing therein sheriffs, and other ministers of the law; (for first he made the Annaly a territory in Leinster, possessed by the Sept of Offerralles, one entire shire by itself, and called it the county of Longford; and after that he divided the whole province of Conaught into six counties more; namely, Clare (which containeth all Thomond), Gal-
The course of reformation followed by Sir Henry Sidney, in the time of Queen Elizabeth.

laws to be made, and performed fundry other services, tending greatly to the reformation of this kingdom. For first, to diminish the greatness of the Irish Lords, and to take from them the dependancy of the common people, in the parliament which he held 11 Eliz. he did abolish their pretended and usurped captainships, and all exactions, and extortions incident thereunto. Next, to settle their seigniories and possessions in a course of inheritance, according to the course of the common law, he caused an act to pass, whereby the Lord-Deputy was authorised to accept their surrenders, and to re-grant estates unto them, to hold of the crown by English tenures and services. Again, because the inferior sort were loose and poor, and not amenable to the law; he provided by another act, that five of the best and eldest persons of every Sept should bring in all the idle persons of their surname, to be justified by the law. Moreover, to give a civil education to the youth of this land in the time to come, provision was made by another law, that there should be one free-school, at least, erected in every diocese of the kingdom. And lastly, to inure and acquaint the people of Munster
and

and Conaught with the English Government again (which had not been in use among them for the space of 200 years before), he instituted two Presidency Courts in those two provinces, placing Sir Edward Fitton, in Conaught, and Sir John Perrot in Munster.

To augment the King's revenue in the same parliament, upon the attainder of Shane O'Neale, he resumed and vested in the crown, more than half the province of Ulster: he raised the customs upon the principal commodities of the kingdom: he reformed the abuses of the Exchequer, by many good orders and instructions sent out of England: and lastly, he established the composition of the Pale, in lieu of purveyance and fees of soldiers.

These were good proceedings in the work of reformation, but there were many defects and omissions withal; for though he reduced all Conaught into counties, he never sent any justices of assize to visit that province, but placed commissioners there, who governed it only in a course of discretion; part martial, and part civil. Again, in the law that doth abolish the Irish captainships, he gave way for the reviving thereof again, by excepting such as should be granted by letters patent
from

from the crown; which exception did indeed take away the force of that law. For no governor during Queen Elizabeth's reign did refuse to grant any of those captainships to any pretended Irish lord, who would desire, and with his thankfulness deserve the same. And again, though the greatest part of Ulster were vested by act of parliament in the actual and real possession of the crown; yet was there never any seisure made thereof, nor any part thereof brought into charge, but the Irish were permitted to take all the profits, without rendering any duty or acknowledgment for the same; and though the name of O'Neale was damned by that act, and the assuming thereof made high-treason; yet after that, was Tirlagh Leynnagh suffered to bear that title, and to intrude upon the possessions of the crown, and yet was often entertained by the state with favour. Neither were these lands resumed by the act of 11 of Elizabeth neglected only (for the abbies and religious houses in Tirone, Tirconnell, and Fermannagh, though they were dissolved in the 33 of Henry the Eighth, were never surveyed, nor reduced into charge, but were continually possessed by the religious persons) until his majesty that now is came to the crown:

crown: and that which is more strange, the donations of bishopricks, being a flower of the crown (which the kings of England did ever retain in all their dominions, when the pope's usurped authority was at the highest). There were three bishopricks in Ulster; namely, Derry, Rapho, and Clogher, which neither Queen Elizabeth, nor any of her progenitors did ever bestow; though they were the undoubted patrons thereof; so that King James was the first King of England that did ever supply those sees with bishops, which is an argument either of great negligence, or of great weakness in the state and governors of those times. And thus far proceeded Sir Henry Sidney.

After him, Sir John Perrot, who held the last parliament in this kingdom, did advance the reformation in three principal points. The reformation advanced by Sir John Perrot. First, in establishing the great composition of Conaught; in which service the wisdom and industry of Sir Richard Bingham did concur with him; next, in reducing the unreformed parts of Ulster into seven shires; namely, Ardmagh, Monahan, Tirone, Coleraine, Dongall, Fermannagh, and Cavan; though in his time the law was never executed in

in these new counties by any sheriffs or justices of assize, but the people left to be ruled still by their own barbarous lords and laws: and lastly, by vesting in the crown the lands of Desmond and his adherents in Munster, and planting the same with English, though that plantation was imperfect in many points.

The service of
William Fitz-
Williams tend-
ing to reform-
ation.

After Sir John Perrot, Sir William Fitz-Williams did good service in two other points. First, in raising a composition in Munster; and then in settling the possessions both of the lords and tenants in Monahan, which was one of the last acts of state tending to the reformation of the civil government, which was performed in the reign of Queen Elizabeth.

Thus we see, by what degrees, and what policy and success, the governors of this land from time to time, since the beginning of the reign of King Edward the Third, have endeavoured to reform and reduce this people to the perfect obedience of the crown of England: And we find, that before the civil wars of York and Lancaster, they did chiefly endeavour to bring back the degenerate English colonies

colonies to their duty and allegiance, not respecting the mere Irish, whom they reputed as aliens or enemies of the crown. But after King Henry the Seventh had united the roses, they labored to reduce both English and Irish together, which work, to what pass and perfection it was brought in the latter end of Queen Elizabeth's reign, hath been before declared.

Whereof sometimes, when I do consider, I do in mine own conceit compare these latter governors, who went about to reform the civil affairs in Ireland, unto some of the kings of Israel, of whom it is said, that they were good kings, but they did not cut down the groves and high places, but suffered the people still to burn incense, and commit idolatry in them: so Sir Anthony Saint-Leger, the Earl of Suffex, Sir Henry Sidney, and Sir John Perrot, were good governors, but they did not abolish the Irish customs, nor execute the law in the Irish countries, but suffered the people to worship their barbarous lords, and to remain utterly ignorant of their duties to God and the King.

K I N G

K I N G J A M E S.

How the defects and errors in the government of Ireland have been supplied and amended since the beginning of his majesty's reign.

And now am I come to the happy reign of my most gracious lord and master King James ; in whose time as there hath been a concurrence of many great felicities ; so this among others may be numbered in the first rank ; that all the defects in the government of Ireland, spoken of before, have been fully supplied in the first nine years of his reign. In which time, there hath been more done in the work and reformation of this kingdom, than in the 440 years which are past since the conquest was first attempted.

Howbeit, I have no purpose in this discourse to set forth at large all the proceedings of the state here in reforming this kingdom, since his majesty came to the crown, for the parts and passages thereof are so many, as to express them fully would require a several treatise. Besides, I for my part, since I have not flattered the former times, but have plainly laid open the negligence and errors of every age that is past, would not willingly seem to flatter the present, by amplifying the diligence and true judgment

of those fervitors, that have labored in this vineyard since the beginning of his majesty's happy reign.

I shall therefore summarily, without any application at all, shew in what manner, and by what degrees, all the defects, which I have noted before in the government of this kingdom, have been supplied since his majesty's happy reign began; and so conclude these observations concerning the state of Ireland.

First then, touching the martial affairs, I shall need to say little, in regard that the war, which finished the conquest of Ireland, was ended almost in the instant when the crown descended upon his majesty; and so there remained no occasion to amend the former errors committed in the prosecution of the war. Howbeit, since his majesty hath still maintained an army here, as well for a seminary of martial men, as to give strength and countenance to the civil magistrate; I may justly observe, that this army hath not been fed with coin and livery, or fees (with which extortions the folder hath been nourished in the times of former princes), but hath been as

Errors in the carriage of the martial affairs amended.

justly

justly and royally paid, as ever prince in the world did pay his men of war. Besides, when there did arise an occasion of employment for this army against the rebel Odoghertie; neither did his majesty delay the re-inforcing thereof, but instantly sent supplies out of England and Scotland; neither did the martial men dally or prosecute the service faintly, but did forthwith quench that fire, whereby themselves would have been the warmer the longer it had continued, as well by the increase of their entertainment, as by booties and spoil of the country. And thus much I thought fit to note, touching the amendment of the errors in the martial affairs.

How the defects in the civil government have been supplied.

Secondly, for the supply of the defects in the civil government, these courses have been pursued since his majesty's prosperous reign began.

By establishing the public peace.

First, albeit upon the end of the war, whereby Tyrone's universal rebellion was suppressed, the minds of the people were broken and prepared to obedience of the law; yet the state upon good reason did conceive, that the public peace could not be settled, till the hearts of the people were also quieted, by securing

curing them from the danger of the law, which the most part of them had incurred one way or other, in that great and general confusion.

Therefore, first by a general act of state, called the Act of Oblivion, published by proclamation under the great seal, all offences against the crown, and all particular trespasses between subject and subject, done at any time before his majesty's reign, were (to all such as would come in to the justices of assize by a certain day, and claim the benefit of this act) pardoned, remitted, and utterly extinguished, never to be revived or called in question. And by the same proclamation, all the Irish (who for the most part, in former times, were left under the tyranny of their lords and chieftains, and had no defence or justice from the crown) were received into his majesty's immediate protection. This bred such comfort and security in the hearts of all men, as thereupon ensued the calmest and most universal peace that ever was seen in Ireland.

The public peace being thus established, the state proceeded next to establish the public justice in every part of the realm: and to that

2. By establishing the public justice in every part of the kingdom.

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end, Sir George Cary (who was a prudent governor, and a just, and made a fair entry into the right way of reforming this kingdom) did, in the first year of his majesty's reign, make the first sheriffs that ever were made in Tyrone and Tirconnel; and shortly after, sent Sir Edmund Pelham Chief Baron, and myself thither, the first justices of assize that ever sat in those countries: and in that circuit we visited all the shires of that province: besides which visitation, though it was somewhat distasteful to the Irish lords, was sweet and most welcome to the common people; who, albeit they were rude and barbarous, yet did they quickly apprehend the difference between the tyranny and oppression under which they lived before, and the just government and protection which we promised unto them for the time to come.

The law having made her progress into Ulster with so good success, Sir Arthur Chichester (who with singular industry, wisdom, and courage, hath now for the space of seven years and more prosecuted the great work of reformation, and brought it well near to an absolute perfection) did, in the first year of

his government, establish two other new circuits for justices of assize; the one in Connaught, and the other in Munster. I call them new circuits, for that, although it be manifest by many records, that justices itinerant have in former times been sent into all the shires of Munster, and some part of Connaught; yet certain it is, that in 200 years before (I speak much within compass) no such commission had been executed in either of these two provinces. But now, the whole realm being divided into shires, and every bordering territory, whereof any doubt was made in what county the same should lie, being added or reduced to a county certain (among the rest, the mountains and glynnns on the south side of Dublin were lately made a shire by itself, and called the county of Wicklow; whereby the inhabitants, which were wont to be thorns in the side of the pale, are become civil and quiet neighbours thereof), the streams of the public justice were derived into every part of the kingdom; and the benefit and protection of the law of England communicated to all, as well Irish as English, without distinction or respect of persons; by reason whereof, the work of deriving the public justice grew so great, as that there was *magna messis, sed*

operarii pauci. And therefore, the number of the judges in every bench was increased, which do now every half year (like good planets in their several spheres or circles) carry the light and influence of justice round about the kingdom; whereas the circuits in former times went but round about the pale, like the circuit of the Cinofura about the pole.

Quæ cursu niteriore, brevi convertitur orbe.

The good effects which followed the execution of the law throughout the kingdom.

Upon these visitations of justice, whereby the just and honourable law of England was imparted and communicated to all the Irish, there followed these excellent good effects.

First, the common people were taught by the justices of assize, that they were free subjects to the kings of England, and not slaves and vassals to their pretended lords: that the cuttings, cosheries, fessings, and other extortions of their lords, were unlawful, and that they should not any more submit themselves thereunto, since they were now under the protection of so just and mighty a prince, as both would and could protect them from all wrongs and oppressions: they gave a will-

ing ear unto these lessons; and thereupon, the greatness and power of those Irish lords over the people suddenly fell and vanished, when their oppressions and extortions were taken away, which did maintain their greatness: insomuch, as divers of them, who formerly made themselves owners of all (by force), were now by the law reduced to this point; that wanting means to defray their ordinary charges, they resorted ordinarily to the Lord-Deputy, and made petition, that by license and warrant of the state, they might take some aid and contribution from their people; as well to discharge their former debts, as for competent maintenance in time to come: but some of them being impatient of this diminution, fled out of the realm to foreign countries. Whereupon, we may well observe; that, as extortion did banish the old English freeholder, who could not live but under the law; so the law did banish the Irish lord, who could not live but by extortion.

Again, these circuits of justice did (upon the end of the war) more terrify the loose and idle persons than the execution of the martial law, though it was more quick and sud-

den : and in a short time after, did so clear the kingdom of thieves, and other capital offenders, as I dare affirm, that for the space of five years last past, there have not been found so many malefactors worthy of death in all the six circuits of this realm (which is now divided into thirty-two shires at large) as in one circuit of six shires ; namely, the Western Circuit in England. For the truth is, that in time of peace, the Irish are more fearful to offend the law, than the English, or any other nation whatsoever.

Again, whereas the greatest advantage that the Irish had of us in all their rebellions, was, our ignorance of their countries, their persons, and their actions : since the law and her ministers have had a passage among them, all their places of fastness have been discovered and laid open ; all their places cleared ; and notice taken of every person that is able to do either good or hurt. It is known, not only how they live, and what they do, but it is foreseen what they purpose or intend to do : inso-much, as Tirone hath been heard to complain, that he had so many eyes watching over him, that he could not drink a full carouse of sack,
but

but the state was advertized thereof, within few hours after. And therefore, those allowances which I find in the ancient pipe-rolls, *Proguidagio*, & *spiagio*, may be well spared at this day. For the under-sheriffs and bayliffs errant are better guides and spies in the time of peace, than any where found in the time of war.

Moreover, these civil assemblies at assizes and sessions have reclaimed the Irish from their wildness, caused them to cut off their glibs and long hair; to convert their mantles into cloaks; to conform themselves to the manner of England in all their behaviour and outward forms. And because they find a great inconvenience in moving their suits by an interpreter, they do for the most part send their children to schools, especially to learn the English language: so that we may conceive an hope, that the next generation will in tongue and heart, and every way else, become English; so that there will be no difference or distinction, but the Irish sea betwixt us. And thus we see a good conversion, and the Irish game turned again.

For heretofore the neglect of the law made the English degenerate, and become Irish; and now, on the other side, the execution of the law doth make the Irish grow civil, and become English.

Lastly, these general sessions now do teach the people more obedience, and keep them more in awe than did the general hostings in former times. These progresses of the law renew and confirm the conquest of Ireland every half year, and supply the defect of the king's absence in every part of the realm; in that every judge sitting in the seat of justice doth represent the person of the king himself.

These effects hath the establishment of the public peace and justice produced, since his majesty's happy reign began.

3. The settling of the states and possessions of the Irish, as well as of the English.

Howbeit, it was impossible to make a commonweal in Ireland, without performing another service; which was, the settling of all the estates and possessions, as well of Irish as English, throughout the kingdom.

For,

For, although that in the 12th year of Queen Elizabeth, a special law was made, which did enable the Lord Deputy to take surrenders, and re-grant estates unto the Irish (upon signification of her majesty's pleasure in that behalf); yet were there but few of the Irish lords that made offer to surrender during her reign: and they which made surrender of entire countries obtained grants of the whole again to themselves only, and to no other, and all in demesne. In passing of which grants, there was no care taken of the inferior septs of people, inhabiting and possessing these countries under them, but they held their several portions in course of tanistry and gavelkind, and yielded the same Irish duties or exactions as they did before: So that upon every such surrender and grant, there was but one freeholder made in a whole country, which was the lord himself; all the rest were but tenants at will, or rather tenants in villenage, and were neither fit to be sworn in juries, nor to perform any public service; and, by reason of the uncertainty of their estates, did utterly neglect to build, or to plant, or to improve the land. And therefore, although the lord was become the
king's

king's tenant, his country was no whit reformed thereby, but remained in the former barbarism and desolation.

Again, in the same queen's time, there were many Irish lords who did not surrender, yet obtained the letters patent of the captainships of their countries, and of all lands and duties belonging to those captainships: for the statute which doth condemn and abolish these captainries, usurped by the Irish, doth give power to the Lord-Deputy to grant the same by letters patent. Howbeit, these Irish captains, and likewise the English, which were made seneschals of the Irish countries, did by colour of these grants, and under pretence of government, claim an Irish feigniory, and exercise plain tyranny over the common people. And this was the fruit that did arise of the letters patent, granted of the Irish countries in the time of Queen Elizabeth, where before they did extort and oppress the people, only by colour of a lewd and barbarous custom; they did afterwards use the same extortions and oppressions by warrant under the great seal of the realm.

But

But now, since his majesty came to the crown, two special commissions have been sent out of England, for the settling and quieting of all the possessions in Ireland; the one, for accepting surrenders of the Irish and degenerate English, and for re-granting estates unto them, according to the course of the common law; the other, for strengthening of defective titles. In the execution of which commissions, there hath ever been had a special care to settle and secure the undertenants; to the end, there might be a repose and establishment of every subject's estate, lord and tenant, free-holder and farmer, throughout the kingdom.

How the commissions for surrenders and defective titles have been put in execution.

Upon surrenders, this course hath been held from the beginning: when an Irish lord doth offer to surrender his country, his surrender is not immediately accepted, but a commission is first awarded, to enquire of three special points. First, of the quantity and limits of the land whereof he is reputed owner. Next, how much himself doth hold in demesne, and how much is possessed by his tenants and followers. And thirdly, what customs, duties, and services, he doth yearly receive out of those lands.

lands. This inquisition being made and returned, the lands which are found to be the lord's proper possessions in demesne, are drawn into a particular; and his Irish duties, as coshering, sessings, rents of butter and oatmeal, and the like, are reasonably valued and reduced into certain sums of money, to be paid yearly in lieu thereof. This being done, the surrender is accepted; and thereupon a grant passed, not of the whole country, as was used in former times, but of those lands only, which are found in the lord's possession, and of those certain sums of money, as rents issuing out of the rest. But the lands which are found to be possessed by the tenants, are left unto them, respectively charged with these certain rents only, in lieu of all uncertain Irish exactions.

In like manner upon all grants, which have past by virtue of the commission, for defective titles, the commissioners have taken special caution, for preservation of the estates of all particular tenants.

No grant of
Irish captain-
ships, or sene-
schalships,
since his ma-
jesty's reign.

And as for grants of captainships or sene-
schalships, in the Irish countries; albeit,
this deputy had as much power and autho-
rity

rity to grant the same, as any other governors had before him; and might have raised as much profit by bestowing the same, if he had respected his private, more than the public good; yet hath he been so far from passing any such in all his time, as he hath endeavoured to resume all the grants of that kind, that have been made by his predecessors; to the end, the inferior subjects of the realm should make their only and immediate dependance upon the crown. And thus we see, how the greatest part of the possessions (as well of the Irish as of the English) in Leinster, Connaught, and Munster, are settled and secured since his majesty came to the crown: whereby the hearts of the people are also settled, not only to live in peace, but raised and encouraged to build, to plant, to give better education to their children, and to improve the commodities of their lands; whereby the yearly value thereof is already encreased, double of that it was within these few years, and is like daily to rise higher, till it amount to the price of our land in England.

Lastly, the possessions of the Irish in the province of Ulster, though it was the most ^{The plantation of Ulster.} rude

rude and unreformed part of Ireland, and the seat and nest of the last great rebellion, are now better disposed and established than any of the lands in the other provinces, which have been past and settled upon surrenders. For, as the occasion of the disposing of those lands did not happen without the special providence and finger of God, which did cast out those wicked and ungrateful traitors, who were the only enemies of the reformation of Ireland: so the distribution and plantation thereof hath been projected and prosecuted, by the special direction and care of the king himself; wherein his majesty hath corrected the errors before spoken of, committed by King Henry the Second, and King John, in distributing and planting the first conquered lands. For, although there were six whole shires to be disposed, his majesty gave not an entire country, or county, to any particular person; much less did he grant Jura Regalia, or any extraordinary liberties. For the best British undertaker had but a proportion of 3000 acres for himself, with power to create a manor, and hold a Court Baron. Albeit, many of these undertakers were of as great birth and quality as the best adventurers in the first conquest. Again, his majesty did not

not utterly exclude the natives out of this plantation, with a purpose to root them out, as the Irish were excluded out of the first English colonies; but made a mixt plantation of British and Irish, that they might grow up together in one nation: only, the Irish were in some places transplanted from the woods and mountains, into the plains and open countries, that, being removed (like wild fruit-trees), they might grow the milder, and bear the better and sweeter fruit. And this truly is the master-piece and most excellent part of the work of reformation, and is worthy indeed of his majesty's royal pains. For when this plantation hath taken root, and been fixed and fettled but a few years, with the favor and blessing of God, (for the son of God himself hath said in the gospel, *Omnis plantatio, quam non plantavit pater meus, eradicabitur*) it will secure the peace of Ireland, assure it to the crown of England for ever; and finally make it a civil, and a rich, a mighty, and a flourishing kingdom.

I omit to speak of the increase of the revenue of the crown, both certain and casual, which is raised to a double proportion (at least) above what it was, by deriving the public justice
into

into all parts of the realm; by settling all the possessions, both of the Irish and English; by re-establishing the compositions; by restoring and resuming the customs; by reviving the tenures in *capite*, and knight's-service; and reducing many other things into charge, which, by the confusion and negligence of former times, became concealed and subtracted from the crown. I forbear likewise to speak of the due and ready bringing in of the revenue, which is brought to pass by the well ordering of the Court of Exchequer, and the authority and pains of the Commissioners for Accompts.

I might also add hereunto the encouragement that hath been given to the maritime towns and cities, as well to encrease their trade of merchandize, as to cherish mechanical arts and sciences; in that all their charters have been renewed, and their liberties more enlarged by his majesty than by any of his progenitors since the conquest. As likewise the care and course that hath been taken to make civil commerce and intercourse between the subjects newly reformed, and brought under obedience, by granting markets and fairs to be holden in their countries,

tries, and by erecting of corporate towns among them.

Briefly, the clock of the civil government is now well set, and all the wheels thereof do move in order; the strings of this Irish harp, which the civil magistrate doth finger, are all in tune (for I omit to speak of the state ecclesiastical), and make a good harmony in this commonwealth: so as we may well conceive a hope, that Ireland (which heretofore might properly be called the Land of Ire, because the irascible power was predominant there for the space of four hundred years together) will, from henceforth, prove a land of peace and concord. And though heretofore it hath been like the lean cow of Egypt, in Pharaoh's dream, devouring the fat of England, and yet remaining as lean as it was before, it will hereafter be as fruitful as the land of Canaan; the description whereof, in the eighth of Deuteronomy, doth in every part agree with Ireland: being, *Terra rivoꝝ, aquarumque, & fontium; in cujus campis, & montibus, erumpunt fluvioꝝ abyssi; terra frumenti, & hordei; terra lactis, & mellis; ubi absque ulla penuria comedes panem tuum, & rerum abundantia perfrueris.*

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And

And thus I have discovered and expressed the defects and errors, as well in the managing of the martial affairs, as of the civil; which in former ages gave impediment to the reducing of all Ireland to the obedience and subjection of the crown of England. I have likewise observed what courses have been taken to reform the defects and errors in government, and to reduce the people of this land to obedience, since the beginning of the reign of King Edward the Third till the latter end of the reign of Queen Elizabeth.

And, lastly, I have declared and set forth, how all the said errors have been corrected, and the defects supplied, under the prosperous government of his Majesty: so as I may positively conclude in the same words which I have used in the title of this Discourse: “ That until the beginning of his Majesty’s
 “ reign, Ireland was never entirely subdued
 “ and brought under the obedience of the
 “ crown of England.” But since the crown of this kingdom, with the undoubted right and title thereof, descended upon his Majesty, the whole island, from sea to sea, hath been brought into his Highness’s peaceable possession;

fession; and all the inhabitants, in every
 corner thereof, have been absolutely re-
 duced under his immediate subjection. In
 which condition of subjects they will gladly
 continue, without defection or adhering to
 any other Lord or King, as long as they
 may be protected and justly governed, with-
 out oppression on the one side, or impunity
 on the other. For there is no nation of
 people under the sun that doth love equal
 and indifferent justice better than the Irish;
 or will rest better satisfied with the execution
 thereof, although it be against themselves,
 so as they may have the protection and be-
 nefit of the law, when upon just cause they
 do desire it.

F I N I S.

A
L E T T E R

F R O M

SIR JOHN DAVIES, Knt.

ATTORNEY GENERAL OF IRELAND,

T O

ROBERT EARL OF SALISBURY.

TOUCHING THE STATE OF MONAGHAN, FERMANNAGH, AND CAVAN;
WHEREIN IS A DISCOURSE CONCERNING THE
CORBES AND IRENAHS OF IRELAND.

MDCVII.

With NOTES by the EDITOR.

A
L E T T E R

F R O M

S I R J O H N D A V I E S.

My most honorable good Lord,

I Am not ignorant how little my advertisements do add unto your lordship's knowledge of the affairs of this kingdom: forasmuch as I know your lordship doth receive such frequent dispatches from the Lord-Deputy and Council here, as nothing worthy of any consideration is left by them unadvertised. Besides, they knowing things a priori, in that they see the causes and grounds of all accidents, can give your lordship more full and perfect intelligence, than such an inferior minister as I am, which come to understand things a posteriori only by the effect and by the success. Notwithstanding, because the diligence of others cannot excuse my negligence, if I omit duty in this behalf, I presume still to write to your lordship, and though I write the same things to your lordship, as are written by others, in substance; yet perhaps I may sometimes add a circumstance, which may give light to the matter of substance, and make it the clearer unto your lordship.

After

After the end of the last term, my Lord-Deputy took a resolution to visit three counties in Ulster; namely, Monaghan, Fermannagh, and Cavan, which being the most unsettled and unreformed parts of that province, did most of all need his lordship's visitation at this time: for Monaghan, otherwise called M'Mahown's country, Sir William Fitzwilliams, upon the attainder and execution of Hugh Ro M'Mahown, chief of his name, did with good wisdom and policy divide the greatest part of that county among the natives thereof, except the Church Lands, which he gave to English servitors: In which division, he did allot unto five or six gentlemen fundry large demesnes, with certain rents and services; and to the inferior sort, several freeholds and withal reserved a yearly rent unto the crown of four hundred and odd pounds; whereby that county seemed to be well settled for a year or two: notwithstanding the late rebellion, wherein the M'Mahowns were the first actors, reversed all that was done, and brought things in this country to the old chaos and confusion: for they erected a M'Mahown among them, who became master of all: they revived the Irish cuttings and exactions, detained the queen's rent, reduced the poor freeholders into their wonted slavery, and in a word, they broke all the covenants and conditions contained in their letters patent, and thereby intitled the crown to resume all again; they having now no other title to pretend, but only the late Lord Lieutenant's promise and the king's mercy. I speak of the chief lords and gentlemen, whose estates were subject to conditions; albeit there was yet no office found of the
breach

breach of those conditions. But as for the petty freeholders, whose estates were absolute, many of them, whose names were yet unknown, were slain in the late rebellion; and so attainted in law, if any inquisitions thereof had been taken. Of such as did survive the wars, and had their pardons, some were removed and transplanted by the tyranny of the lords, and some were driven out of the country, not daring to return to their freeholds, without special countenance of the state; and thus stood the state of Monaghan.

Touching Fermannagh, otherwise called M'Guyres country; that country was never reduced to the crown, since the conquest of Ireland, neither by attaindure, surrender, or other resumption whatsoever, until Sir John Perrott's government, who caused Coconaught M'Guyre (father of Hugh M'Guyre, who was a principal actor in the late rebellion, and slain in Munster, upon an encounter with Sir Warham St. Leger), to surrender all the country of Fermannagh in general words unto the late queen, and to take letters patent back again, of all the country in the like general words, to him and his heirs; whereupon was reserved a rent of one hundred and twenty beeves, arising out of certain horse and foot, and a tenure in *capite*: but this English tenure did not take away his Irish customs and exactions; he was suffered still to hold his title of M'Guyre, and to exercise his tyranny over the queen's poor subjects, of whom the state took no care, nor notice; albeit there are many gentlemen who claim estate of freehold in that country by a more ancient title than M'Guyre himself doth claim

claim the chiefrie. Coconaught M'Guyre, having thus obtained letters patent, died seized of the country; and after his death, Hugh M'Guyre, being his eldest son, took possession thereof, not as heir at common law, but as Tannist, and chief of his name, was created M'Guyre, and held it as an Irish lord until he was slain in actual rebellion, which we hold an attainder in law, in this kingdom.

Hereupon, an office being found that Hugh M'Guyre was killed in rebellion; one Connor Ro M'Guyre, whose ancestors had been chief lords of the country, and who, being received to grace, had performed good service in those parts, had a patent of the whole country granted unto him by the late Lord Lieutenant, and held it accordingly, during the wars. Howbeit, when young Coconagh M'Guyre, brother to Hugh M'Guyre, and second son to the old Coconagh, submitted himself to the late Lord Lieutenant, his lordship promised him to divide the country betwixt him and Connor Ro. In performance of which promise, the state here, by direction out of England, persuaded Connor Ro to surrender his patent, which he did, and thereupon set down a division of the country, allotting the greater portion to Coconagh; according to which division they have since held their several portions, but hitherto they have obtained no letters patent, my Lord Deputy having made stay thereof till he had seen and understood the state of the country, and established a competent number of freeholders there, which will be more conveniently and easily

easily effected now while the land is in his Majesty's disposition, than it would be, if these Irish lords had estates executed or past unto them. Upon these terms stood the estate of the chief lords of Fermannagh. But touching the inferior gentlemen and inhabitants, it was not certainly known to the state here, whether they were only tenants at will to the chief lords (whereof the uncertain cutting which the lords used upon them might be an argument), or whether they were freeholders yielding of right to their chief lord certain rents and services, as many of them do allege, affirming that the Irish cutting was an usurpation and a wrong. This was a point wherein the Lord-Deputy and Council did much desire to be resolved, the resolution whereof would give them much light, how to make a just and equal distribution of the country, and to settle every particular inhabitant thereof. Thus much concerning the state of Fermannagh.

As for Cavan, otherwise called Breny Orelie or O'Relies Country, the late troubles had so unsettled the possessions thereof, which indeed were never well distinguished and established, as it was doubtful in whom the chiefrie of that country rested, or if the chief lord had been known, yet was it as uncertain what demesnes, or duties he ought to have. And for the particular tenants, they were so many times removed and rejected, as their titles and possessions were as doubtful as the lords. True it is, that Sir John Perrott being deputy purposed the reformation and settling of
this

this country; and to that end, indentures were drawn between himself, in behalf of the late queen, on the one part, and Sir John O'Relie, then chief lord of the country, on the other; whereby Sir John O'Relie did covenant to surrender the whole unto the queen, and Sir John Perrott, on the other part, did covenant, that letters patent should be made unto him of the whole. Howbeit, there followed no effect of this: for neither was there any surrender made by Sir John O'Relie, neither was there any patent granted unto him, during Sir John Perrott's time, marry afterwards, when the late Lord Chancellor, and Sir Henry Wallop, were Lords Justices, certain commissioners were sent down to divide the country into baronies and to settle the chief Septs and families therein; which they did in this manner. The whole country being divided into seven baronies, they assigned two unto Sir John O'Relie, free from all public charges and contributions; a third barony they allotted to Philip O'Relie, brother to Sir John O'Relie; a fourth to Edmond O'Relie, uncle to Sir John O'Relie; a fifth to the sons of one Hugh O'Relie, furnamed the Prior: and out of the three baronies, whereof Sir John O'Relie was not possessed, they reserved unto him a chief rent of ten shillings out of every poll (being a portion of land containing three score acres or thereabouts) in lieu of all Irish cuttings and taxes. As for the other two baronies possessed by the Septs of M'Rernon, and M'Gaurol, being remote and bordering upon O'Rorkes country, they were neglected and left subject still to the Irish exactions of the chief lord;

lord; but to the crown they reserved upon the whole country 220 beeves, which the deputy ever since hath taken for his provision. This division, or establishment, was made and reduced to writing, as one of the commissioners, who is yet living, told me; who told me withal, that they were well paid for their pains: for he that had least had an hundred fat beeves given him by the country; yet cannot we find any return of this commission, either in the Council Book, or in the Chancery. So as hitherto there were only projects made for the settling of the country, but nothing was really and effectually done; none of the rules and ceremonies of the law observed, either by accepting surrenders, or regranting the land back again, or by any other lawful conveyance, or execution of estates. After this, Sir John O'Relie died in rebellion; whereupon his brother Philip O'Relie took upon him the name of O'Relie, and possessed himself of the country as Tannist and chief Lord, according to the Irish custom; and being so possessed, was slain in rebellion: after his death, Edmond O'Relie, his uncle, entered in like manner, and was killed in actual rebellion. Since the death of Edmond, none of that Sept was elected or created O'Relie, but the chiefrie of the country stood doubtful till the end of the wars: then a niece of the Earl of Ormond being the widow of Mulmora O'Relie (eldest son of Sir John O'Relie, which Mulmora had been always loyal, and was slain on the Queen's part), supposing that Sir John O'Relie held the country by grant, from the late queen (which indeed

indeed he never did), caused an inquisition to be taken, whereby it was found, that Sir John O'Relie was seized of the country in fee, and died seized; after whose death, the country descended to Mulmora, who likewise died seized, his heir being within age and his majesty's ward: thereupon she made suit to Sir George Cary, then Lord-Deputy, as well for the grant of the wardship, as for the assignment of her dower; whereas indeed, the land never descended, according to the course of the common law; but now was ever held by Tannis, according to the Irish custom whereby there could grow neither wardships nor dower. For, the Tannist coming in by election, neither did his heir ever inherit, neither was his wife ever endowed. Howbeit, Sir George Cary, by a warrant from the Council Table only, did assign unto her the third part of the profit of the country, and gave her withal the custody of the body of her son, but the custody of the land during the King's pleasure he committed unto one Mulmora O'Relie, great uncle to the supposed ward, whereof the poor gentleman hath made little benefit, because not being created O'Relie by them, they would not suffer him to cut and exact, like an Irish lord, neither would they suffer him to receive the establishment made by the commissioners, because it had been broken and rejected by Philip and Edmond, who since held the country as Tannist, or Irish chieftains. In these uncertain terms, stood the possessions of Brevye, which we now call the county of Cavan.

I thought

I thought it not impertinent to shew unto your lordship how unsettled the possessions of these countries were, before my Lord-Deputy began his journey; that it may appear, how needful it was, that the Lord-Deputy should descend in person to visit those countries, whereby he might have opportunity to discover and understand the true and particular state, both of the possessions and possessors thereof, before he gave warrants for passing the same by letters patent unto any; and thereby prevent that error, which hath formerly been committed in passing all Tyrone to one, and Tyrconnel to another, and other large territories to Odogherly and Randal M'Sorley, without any respect of the King's poor subjects who inhabit and hold the lands under them; whereby the patentees are made little kings, or rather tyrants over them: inasmuch as they now being wooed and prayed by the state, cannot yet be drawn to make freeholders for the service of the commonwealth, which, before the passing of their patents, they would gladly and humbly have yielded unto.

The state, therefore, of the three counties before named, standing in such terms as I have before expressed; my Lord-Deputy, accompanied with the Lord-Chancellor, the Lord Chief Justice, Sir Oliver Lambert, and Sir Garret Moore, and being also waited upon by myself, who was for this service joined in commission of assize and goal delivery with the Chief Justice, began his journey the nineteenth day of July last, being

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Saturday,

Saturday, and lodged that night and the next at the Abbey of Mellifont, Sir Garret Moore's house. On Monday night his lordship camped in the field, upon the borders of Ferney, which is the inheritance of the Earl of Essex; and albeit we were to pass through the wastest and wildest parts of all the north, yet had we only for our guard six or seven score foot, and fifty or three score horse, which is an argument of a good time, and of a confident deputy. For in former times (when the state enjoyed the best peace and security) no Lord-Deputy did ever venture himself into those parts without an army of eight hundred or one thousand men. The third night after our departure from Mellifont, we came to the town of Monaghan, which doth not deserve the name of a good village, consisting of divers scattered cabins, or cottages, whereof the most part are possessed by the cast soldiers of that garrison. In the northmost part thereof there is a little fort, which is kept by the foot company of Sir Edward Blaney, who is Seneschal or Governor of that county by patent. In the midst of this village, there is a foundation of a new castle, which being raised ten or twelve feet from the ground, and so left and neglected for the space of almost two years, is now ready to fall into ruin again; albeit his Majesty's charge in building hath already been twelve hundred pounds at least. My Lord-Deputy was as much displeased at the sight thereof, as the chief lords of the country are pleased and comforted therewith; because if it were erected and finished in that form as was intended, it would at all times be a bridle unto their insolency :

solency: for the M^cMahounes undoubtedly are the proudest and most barbarous sept among the Irish; and do ever soonest repine and kick and spurn at the English government. My Lord-Deputy having pitched his tents about a quarter of a mile from the town, did presently distinguish the business that was to be done; the determining of matters of the Crown, and the hearing of personal petitions touching debt and trespass, he left wholly to the justices of the assize and goal delivery; and reserved only to himself and the Lord Chancellor the consideration of such petitions as should be made unto him, touching the lands and possessions of that country; which business, because it was the principal, and taken in hand by my Lord-Deputy himself, I will first trouble your Lordship with the relation thereof.

His Lordship first propounded to the inhabitants of the country, two principal questions in writing: viz. first, what lands they were at that instant possessed of; and secondly, what lands they claimed, either by patent from the Crown, or by promise from the State. When they had given in their several answers to these questions, my Lord-Deputy thought meet to inform himself of the particular state of the country, by perusing the book of division made by Sir William Fitzwilliams, which remaining among the rolls in the chancery, the Lord-chancellor had brought with him of purpose for this service. By that book it did appear, that the county of Monaghan was divided into five baronies, viz. Dartrey, Monaghan, Cremorn, Trough, and Do-

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namayn.

namayn. That these five baronies contain an hundred ballibetags, viz. Dartrey twenty one, Monaghan twenty one, Cremorn twenty two, Trough fifteen, and Donamayn twenty two. That every ballibetagh, which signifieth, in the Irish tongue, a town able to maintain hospitality, containeth sixteen taths; every tath containeth threescore English acres or thereabouts: so as every ballibetagh containeth nine hundred and sixty acres: the extent of the whole country, containing one hundred ballibetags, is eighty six thousand acres, besides the church land. All this country, albeit it were resumed and rested actually in the Crown by the act of attainder of Shane O'Neale, notwithstanding the M'Mahounes being still permitted to hold the possession, no man sought to have any grant thereof until Walter Earl of Essex obtained the whole barony of Donamayn (otherwise called the Ferry and Clankawell) to himself and his heirs; and afterwards upon the execution of Hugh Ro M'Mahoune, chief of his name, Sir William Fitzwilliams divided and disposed the other baronies in this manner: In the Dartrey, five ballibetags were granted in demesne unto Brian M'Hugh Oge M'Mahoune, then reputed chief of his name, and the heirs males of his body, rendering thirty pound rent, viz. six pounds for every ballibetagh; the other sixteen ballibetags were divided among the ancient inhabitants of that barony; some having a great portion allotted, and some a less; howbeit every one did render a yearly rent of twenty shillings out of every tath, whereof twelve shillings and sixpence was granted to Brian M'Hugh Oge M'Mahoune,

houne, as a chief rent, in lieu of all other duties, and seven and sixpence was reserved to the Crown, which plot was observed in every of the other baronies; so as out of every ballibetagh containing sixteen taths, the Lord had ten pounds, and the King six.

In Monaghan, Roffe Bane M'Mahoune had likewise five ballibetaghs granted unto him with the like estate, rendering to the Queen 30l. rent, and the like chief rent as aforefaid, out of nine ballibetaghs more. And in the same baronies Patrick M'Art Moyle had three ballibetaghs allotted unto him with the like estate, rendering 18l. rent to the Queen, and the like chief rent out of all the other four.

In Cremorn, Euer M'Collo M'Mahoune, who was the first of that name that entered into the late rebellion, and is now farmer to my Lord of Effex of all his land in that country, had five ballibetaghs in demesne granted unto him and the heirs male of his body, rendering 30l. rent to the Crown, and the like chief rent out of twelve other ballibetaghs: and in the same barony, one Patrick Duffe M'Collo M'Mahoune had two ballibetaghs and a half assigned to him in demesne, rendering 15l. rent, and the like chief rent out of two other baronies and a half.

In the Trough, containing only fifteen ballibetaghs, Patrick M'Rena had three ballibetaghs, and twelve taths in demesne given unto him with the like estate, rendering

42l. rent as aforesaid, and the like chief rent out of seven other ballibetags: and in the same barony, one Brian Oge M'Mahoune, brother to Hugh Ro, who was executed, had the like estate granted unto him in three ballibetags, rendering 18l. rent in like manner, and the like chief rent out of two other ballibetags: and under this condition, that if the patentee, or the assigns, did not within five years build a castle upon some part of the land contained in their patents, their several grants to be void.

Thus it appeared, that these four baronies were then bestowed among the chief lords or gentlemen of that country: and as they had their demesnes and rents allotted unto them; so the inferior inhabitants, which were so many in number, as it is not fit to trouble your Lordship with the list of their particular names, were all named in the book of division, and had their several portions of land granted unto them and to their heirs. Howbeit, the estates made to these petty freeholders were not subject to any conditions to defeat the same, but only *nomine pænæ* for non payment of their several rents: whereas in every grant made to the lords there was a threefold proviso, viz. that if any of them took upon him the name of M'Mahoune, or did fail of payment of the Queen's rent, or entered into rebellion, and were thereof attainted, their letters patent should be void.

Thus the temporal lands were disposed. For the church

church land; the abbey of Clunys, which was the only abbey of any value in that county, was formerly demised to Sir Henry Drake, for years: but the rest of the spiritual lands, which the Irish call Termons, they were granted to sundry servitors, rendering ten shillings to the crown for every tath, which out of all the church land amounted to £.70 per annum, or thereabouts: but as well these patentees, as the former, did all fail in their performance of the conditions, whereupon their several estates depended; so as there wanted nothing but an office to be found thereof for the making void of all their patents. And therefore as soon as the state of the possessions of this country did appear unto my Lord Deputy to stand in such sort, as is before expressed, his Lordship forthwith commanded me to draw a special commission, directed among others to the Chief Justice and myself, to enquire, as well of the breach of the conditions contained in the grants before-mentioned, as also of all escheated and concealed lands in that county: Accordingly, the commission was drawn and sealed in the haniper, in the execution whereof we impannelled as many of the patentees themselves as appeared at that sessions to enquire of the articles contained in the commission: So as they themselves found their own letters patent void, some for non-payment of the King's rent, and others, for not building of castles within the time prescribed; besides, they found divers of the inferior freeholders to have been slain in the late rebellion, whereby eight or nine ballibetaghhs were escheated to the crown, every balli-

betagh (as I said before) containing nine hundred and sixty acres, or thereabouts; which office being found, there rested in the possession of the crown the greatest part of that county. This being done, my Lord-Deputy entered into council in what manner he might best dispose and re-settle the same again, according to his instructions received out of England in that behalf: Wherein albeit his Lordship did resolve to determine of nothing finally before his return to Dublin, where, with the rest of the council, he proposed to digest all the business of this journey; yet having an intent to make some alteration of the former division, his Lordship acquainted the principal gentlemen and lords therewith, moving them to give their free consents thereunto; to the end that those small alterations might not breed any difference or discord among them; and thereupon his Lordship did in a manner conclude that Brian M'Hugh Oge should be restored to all that he had by the former division, except one or two ballibetags, which he was well contented should be disposed to two young children, his near kinsmen, for which he was promised to receive recompence out of the lands escheated within his barony; that Patrick M'Art Moyle should likewise be restored *in integram*; howbeit he was not well contented therewith, alledging that my Lord Lieutenant, when he received him into grace, promised to make him equal in possessions with Brian M'Hugh Oge; but my Lord-Deputy found no easy way to perform that promise, notwithstanding his Lordship designed unto him one ballibetagh more, being a parcel of the
barony

barony of Trough, which, lying upon the border of Tyrone, hath been possessed of late by the Earl, who pretendeth that it is parcel of his country: That Roffe Bane M'Mahoune should likewise bere-established in all his former possessions, one ballibetagh excepted, which he frankly gave to one of his kinsmen, who was forgotten in the last division: That Patrick M'Renna and Bryan Oge M'Mahoune should hold all their lands and rents without any alteration at all. But the greatest change was to be made in the barony of Cremorn, the greatest part whereof was, by the former division, assigned to Euer M'Collo, who, notwithstanding, never enjoyed any part thereof; because one Art M'Rorie M'Mahoune, an active and desperate fellow, who had a very small portion given him by Sir William Fitzwilliams, making claim to that whole barony, did ever since with strong hand withhold the possession thereof from Euer M'Collo; therefore, not without consent of Euer himself, his Lordship assigned to Art M'Rorie five ballibetaghs in that barony: And because a place called Ballilargan, containing two ballibetaghs, lieth in the midway between Monaghan and the Newrie, which two towns are distant the one from the other twenty-four miles, and forasmuch as Monaghan, being an inland town, cannot be supplied with victuals but from the Newrie, and that it is a matter of great difficulty in time of war to convey victuals twenty-four miles, having no place of safety to rest in by the way; therefore his Lordship thought it very necessary for the service of the state to reserve those two ballibetaghs, and to pass some

estate thereof to the governor of Monaghan, who doth undertake within short time to build a castle thereupon at his own charges.

These seven ballibetags being resumed from Euer M'Collo, he hath yet allotted to him and his sons in demesne, and in chief, ten ballibetags or thereabouts: albeit Patrick Duffé M'Collo, his kinsman, doth still hold his five ballibetags according to the first division. This resumption was made upon Euer M'Collo for two causes; first, in regard the state shall now put him in quiet possession of a good part of the barony; whereas before he did not enjoy any part thereof; secondly, because he holdeth a whole barony in farm from my Lord of Essex, wherein he hath so good a pennyworth, as he is grown since the wars to be of greater wealth, than all the rest of his name besides,

Thus much was intended for the principal gentlemen and lords of the country: as for the petty freeholders; such of them as have survived the wars, and not being since pardoned, do own good estates in law still, and need only to be established in their several possessions; all which his Lordship hath a purpose to do by a general order: but the lands of such as were slain in rebellion, his Lordship allotted two or three ballibetags thereof, lying in the barony of Monaghan, unto divers cast soldiers dwelling in that poor town, which will be a good strength to that garrison; the remnant being scattered in the other baronies, his Lordship hath disposed to
such

such of the inhabitants, as were commended for their inclination to prove civil, and loyal subjects. Lastly, the patentees of the spiritual, or termon lands, making suit to his lordship to be restored to their several portions granted unto them upon the former division; his Lordship thought fit to extend the like favor unto them, as he had done to the Irish. And this is the effect of that business, which his Lordship reserved unto himself, wherein his Lordship doth make this a year of Jubilee to the poor inhabitants of this county of Monaghan, because every man shall return to his own house, be restored to his ancient possessions, and withal have the arrear of rent to the King remitted, which is indeed a great matter; for the arrear of this country doth amount to £.6000 at least.

Touching the service performed in this country by the justices of Assize; albeit they found few prisoners in the goals, the most part being bailed by Sir Edward Blaney, to the end the fort where the goal is kept might not be pestered with them; yet when such as were bailed came in upon their recognizances, the number was greater than we expected. One grand jury was so well chosen, as they found with good expedition all the bills of indictment true; but on the other side, the juries, that were impannelled for trial of the prisoners, did acquit them as fast, and found them not guilty; which whether it was done for favor, or for fear, it is hard to judge: for the whole county, consisting of three or four names only, viz. M'Mahoune, M'Rena, M'Cabe, and

and O'Connaly, the chief was ever of one of those names, and of these names this jury did consist; so that it was impossible to try him but by his kinsmen, and therefore it was probable that the malefactors were acquitted for favor: but on the other part, we were induced to think, that fear might be the cause; forasmuch as the poor people seemed very unwilling to be sworn of the juries, alledging, that if they condemned any man, his friends in revenge would rob, or burn, or kill them for it; and that the like mischief had happened to divers jurors since the last session holden there: such is the barbarous malice and impiety of this people. Notwithstanding, when we had punished one jury with good round fines and imprisonment, for acquitting some prisoners, contrary to direct and pregnant evidence, another jury being impannelled for trial of others found two notorious malefactors guilty: whereof one was a notable thief, and the other a receiver of thieves; both which were presently executed, and their execution struck some terror in the best men of the country; for the beef, which they eat in their houses, is for the most part stolen out of the English pale; and for that purpose, every one of them keepeth a cunning thief, which he calleth his Cater. Brian Oge M'Mahoune, and Art M'Rorie, two of the principal gentlemen before named, were indicted for the receiving of such stealths; but they acknowledging their faults upon their knees before my Lord-Deputy, had their pardon granted unto them; so that I believe stolen flesh will not be so sweet unto them hereafter.

When

When we had delivered the goal, we impannelled another jury, to enquire of the state of the church in that county; giving them these special articles in charge, viz. how many parish churches there were in that county; who were patrons; who were incumbents; which of the churches were sufficiently repaired; and what decayed; of what yearly value they were; what glebe, tythes, or other duties belonged unto every church; and who took the profits thereof.

This we did by virtue of that great commission which was sent out of England about twelve months since, whereby the commissioners have authority, among other things, to enquire of these points; and thereupon to take order for the re-edifying and the repairing of the churches, and for the placing of sufficient incumbents therein. This point of that commission was not before time put in execution any where, albeit it was sundry times moved at the council table, that somewhat might be done therein: but my Lords the Bishops that sit at the board, being not very well pleased that laymen should intermeddle with ecclesiastical matters, did ever answer that motion in this manner: Let us alone with that business; take you no care for that; we will see it effected, we warrant you: notwithstanding there hath been so little care taken, as that the greatest part of the churches within the pale lie still in their ruins; so as the common people (whereof many without doubt would conform themselves) have no place to resort unto, where they may hear divine service. This consideration
 moved

moved us to enquire of the state of the church in these unreformed counties. The inquisition presented unto us in this county was in Latin, because the principal jurors were vicars and clerks: it appeared, that the churches for the most part are utterly waste; that the King is patron of all; and that the incumbents are Popish priests, instituted by Bishops authorized from Rome; yet many of them, like other old priests of Queen Mary's time, in England, ready to yield to conformity.

When we had received this particular information, it was thought meet to reserve it, and to suspend and stay all proceedings thereupon until the Bishop of Derry, Raphoe, and Clogher (which three dioceses comprehend the greatest part of Ulster, albeit they be now united for one man's benefit) shall arrive out of England, whose absence, being two years since he was elected by his Majesty, hath been the chief cause that no course hath been hitherto taken to reduce this poor people to Christianity; and therefore *majus peccatum habet*.

Lastly, for the civil government of this county we made several orders: first, for the building of a goal and sessions house, we imposed a tax upon the country (by consent of the chief gentlemen and freeholders) of £. 40. sterling, and for the surplusage of the charge, we moved my Lord-Deputy and Council to promise an allowance out of the fines and casualties of that county: next, for the erecting of a free-school, and maintainance of a school-master in Monaghan, we prevailed with the chief lords so far as they yielded to contribute £. 20. a year

year to that use: finally, we revived and enlarged sundry former orders, made for the mending of high ways, clearing of paths, and the bringing of lazy and idle men to justice, &c.

This is the effect of all our proceedings in the county of Monaghan.

From Monaghan we went the first night to the ruins of the Abbey of Clunys, where we camped; and passing from thence through ways almost impassible for our carriages, by reason of the woods and bogs, we came the second night after to the south side of Lougherne, and pitched our tents over against the island of Devonish, a place being prepared for the holding of our sessions for Fermannagh in the ruins of an abbey there. Here my Lord Deputy distinguished the business, as he had formerly done, in the county of Monaghan; reserving unto himself the disposition and settling of the lands of inheritance; and leaving unto us the ordinary matters both criminal and civil.

For the lands of inheritance in Fermannagh, they stood not in the same terms as the lands of Monaghan: for the Seignory, or Cheifry, and the demesne lands that were the inheritance of M^cGuyre himself, were reduced, and rested in the Crown, by two several inquisitions, found after the death of Hugh M^cGuyre, the arch rebel, of whom I have spoken before, the one found in Munster, (where shortly after he was slain in actual rebellion) by special commission; and the other, in

in Fermannagh, by the late Lord Chief Baron, by virtue of his office of Chief Baron, two years since, when he was justice of assize in that county ; both which offices are returned and remain of record ; the one in the Chancery, and the other in the Exchequer. But forasmuch as the greatest part of the inhabitants of that country did claim to be freeholders of their several possessions, who surviving the late rebellion had never been attainted ; but having received his Majesty's pardon, stood upright in law, so as we could not clearly intitle the Crown to their lands, except it were in point of conquest, a title which the state here hath not at any time taken hold of for the King against the Irish, which upon the conquest were not dispossessed of their lands, but were permitted to die, seized thereof in the King's allegiance ; albeit they hold the same, not according to the course of the common law, but by the custom of Tannistry, whereby the eldest of every sept claimed a chieftry over the rest, and the inferior sort divided their possessions after the manner of Gavelkind. Therefore it was thought meet to impanel a jury of the most sufficient inhabitants, to enquire and present how many freeholds there were, and what lands they held in this county, and what certain rents and services they yielded to the M^cGuyres, or other chieftains and tannists in ancient time. Though this was a business of some labour, because the custom of Gavelkind had made such petty fractions and divisions of the possessions of this county, as the number of freeholders was exceeding great, yet within two days they brought in their inquisition, in Irish ; which being translated into English, appeared

to be confused in general, and without method; where-with my Lord-Deputy not being satisfied, his Lordship having taken a resolution to visit the fort and castle of Ballishannon in Tirconnell, being situate on the north-west end of Lough Earne, and not distant from our Camp above twenty English miles, commanded me, in the mean time of his Lordship's absence, to call the grand jury, who had made the former presentment, and with them the chief inhabitants of every barony, and, by conference with them, to digest the business against his return, which was done in this order.

First, we thought meet to distinguish the possessions; next, to enquire of the particular possessors thereof. Touching the possessions; we found Fermannagh to be divided into seven baronies, viz. Magherry Boy, Clanauley, Clankelley, Magherry Stephanagh, Tirecannada, Knockninney, and Turath. Every of these baronies containeth seven ballibetags and a half of land, chargeable with M^cGuyre's rent, and other contributions of the country; every ballibetagh is divided into four quarters of lands, and every quarter into four taths: so as a ballibetagh containeth sixteen taths, as it doth in Monaghan; but the measure of this country is far larger, besides the free land, whereof there is good quantity in every barony, is no parcel of the seven ballibetags and a half, whereof the barony is said to consist. For these reasons, Fermannagh, containing but fifty-one Ballibetags and a half of chargeable lands, is well nigh of as large an extent as Monaghan, which hath in it an hundred ballibetags.

Touching

Touching the free land, we found it to be of three kinds; Church land, or Termon land, as the Irish call it. Secondly, the Menfall land of M^cGuire. Thirdly, lands given to certain septs privileged among the Irish, viz. the lands of the Cronicles, Rimers, and Galloglasses.

For the Monastery land, we found no other than that which belonged to the Abbey of Lefgole, which doth not exceed the quantity of two ballibetaghs, and lieth for the most part in the Barony of Clanawley.

The Church land was either Monastery land, Corbe land, or Herinachs land: for it did not appear unto us, the bishop had any land in demesne, but certain Menfall duties of the Corbes and Herinachs; neither did we find the parsons and vicars had any Glebe lands at all in this country.

But the lands belonging to the Corbes and Herinachs are of a far greater quantity, and are found in every barony. I had heard of the name of a Corbe and of an Herinach divers times since I came into this kingdom, and would gladly have learned of our clergymen at Dublin, what kind of religious persons they were; but I could never be satisfied by any; and therefore, at this time, I was the more curious and inquisitive to inform myself of these ecclesiastical persons, the like whereof are not to be found in any other part of Christendom, nor in Ireland neither, but only in the countries
that

that are meer Irish*: when therefore we came to enquire of the quantity of Termon lands, I called unto me one of the best learned Vicars in all the country, and one that had been a brehon, and had some skill in the civil and common laws, and with much ado I got from him thus much light for the understanding of this matter. He told me that the word *Termon* doth signify, in the Irish tongue, a *liberty*, or *freedom*, and that all Church-lands whatsoever are called *Termon-lands* by the Irish; because they were ever free from all impositions and cuttings of the temporal lords, and had the privilege of sanctuary; so as no temporal serjeant, or officer, might enter to arrest any person upon these lands, but the bishops officers only†; howbeit, in common understanding among us that are English, we call such only Termon-lands as were in the possession of Corbes, or Herenachs. For the name of Corbe, I could not learn that it had any signification in the Irish tongue; some call him in Latin *Converbius*, but such as are of best understandings call him *Plebanus*, and they yield the reason of that name, *Quia plebi ecclesiasticæ priest* ‡. I

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* Dr. Leland seems to have misunderstood Sir John Davies; as he states Sir John's letter to have said, "that the CORBES and HERENACHS were peculiar to the mere Irish countries of all other parts of Christendom." Leland, 4to edit. vol. II. p. 510.

† The learned Usher agrees with Sir John in this description of the *Termon-lands*. See Leland, 4to edit. vol. II. p. 510.

‡ The profound Usher gives a somewhat different account of the HERENACHS and CORBES. The Herenachs had two characters; partly ecclesiastical, and somewhat lay. They were admitted into deacons orders, but they never were advanced higher: and they resided on the

Termon.

collect by that which they tell me, that he was a prior, or a resident of a Collegiate church: for, he did not only possess a good quantity of glebe-lands, the tenants and occupiers, whereof were called Termon men, and had privilege of clergy, but he had also some rectories appropriate, whereof he had that portion of tyths, which belonged to the parson, and had withall the presentation of the Vicarages. He had always his place or seat in a mother church, where he had a certain number of priests serving with him; in the cathedral church he had a stall in the quire, and a voice in the chapter: and this corbship is named a dignity in the register at Rome; for all dignities in cathedral churches and all benefices of value in this kingdom, are contained in a register at Rome; and the Pope at this day doth collate unto them; and until this day the parsons presented have enjoyed the benefices, in this meer Irish country, by colour of the Pope's collation: lastly, this corbship was in a manner hereditary; for though the Corbe were ever in orders, yet was he in this Irish country usually married, or if he were not married, he had children, and after his death, if any of his sons were qualified with learning, he

Termon-lands, the profits of which they distributed to the Bishop and inferior clergy; to the repair of churches and the maintenance of hospitality. These services they performed under the direction and care of the CORBES, who were ecclesiastics of a much higher order, approaching nearly to the character of the Bishop, who presided over the inferior clergy. It was also the opinion of the very skilful antiquary beforementioned, that the most ancient church polity of Ireland was extremely analogous to that which once existed all over Christendom. See Leland, 4to edit. vol. II. p. 434.

he was chosen by the Dean and Chapter to be Corbe; and if none of his sons were capable, another of that Sept or surname was chosen. Without doubt these corbeships, being in the nature of collegiate churches, are vested in the crown by the statute of dissolution of monastries; and accordingly some of them have been reduced into charge; but there are many whereof no inquisition hath been found, but concealed as detained by the Irish unto this day. And, that your Lordship may perceive I weave not this web out of my own brain, but that I have authority for that which I deliver, I will here insert a certificate in Latin, made unto me by an Irish scholar, whose opinion I required in this matter, which by chance I have now among my papers; for the most part of these things I have set down, out of my own memory, being now at Waterford, and having left the notes of our former journey at Dublin.

The scholar's opinion was this: “ Corbanatus, five
 “ plebanatus, dignitas est; et modo ad regem pertinet,
 “ sed antea ad papam; in matrici ecclesia debet necessa-
 “ rio esse, initiatus sacris ordinibus, omnesque deci-
 “ mas pertinentes ad hunc debet habere et beneficia
 “ adjuncta huic ipsius sunt eorumque conferentiam
 “ habet et presentationem. Dictum hoc nomen, quia
 “ populo et plebi ecclesiasticæ matricis ecclesiæ præ-
 “ fuit, certum numerum sacerdotum quasi collegialium
 “ debet habere secum, primum stallum in sua ecclesiâ
 “ habet. Habet etiam stallum vacuum in ecclesia
 “ cathedrali, et vocem in omni capitulo, tam publico,
 R 2 “ quam

“ quam privato, inscribitur Romano registro, ideoque
 “ dignitas est.”

Of these Corbships, the best in these parts is at Clony's, in the county of Monaghan, which M'Mahoune himself procured to be conferred upon his eldest son, being but a boy, in the time of the late rebellion: It was long before granted unto Sir Henry Duke for years, and is now in the possession of Sir Francis Rushe, who married one of Sir Henry Duke's daughters. There is another at Derough, in Fermannagh, which is likewise brought into charge. There are others in O'Rurke's country; others in upper Ossory, and in Ormound; and in many other places, which are not yet discovered. Thus much touching the nature and name of a Corbe, and of a Herinach.

For the Herinach, there are few parishes of any compass in extent, where there is not an Herinach, which being an officer of the church, took beginning in this manner: when any lord or gentleman had a direction to build a church, he did first dedicate some good portion of land to some saint or other whom he chose to be his patron; then he founded the church, and called it by the name of that saint; and then gave the land to some clerk not being in orders, and to his heirs for ever, with this intent; that he should keep the church clean and well repaired, keep hospitality, and give alms to the poor for the soul's health of the founder. This man and his heirs had the name of Errenagh.

Errenagh. The Errenagh was also to make a weekly commemoration of the founder in the church.

He had always *Primam Tonsuram*, but took no other orders; he had a voice in the Chapter, when they consulted about their revenues, and paid a certain yearly rent to the bishop, besides a fine upon marriage of every one of his daughters, which they call a Loughhimpy, he gave a subsidy to the Bishop at his first entrance into his bishoprick.

The certainty of all which duties appear in the Bishop's register, and these duties grew unto the Bishop: first, because the Herinagh could not be created, nor the church dedicated without the consent of the Bishop. We are yet doubtful whether these lands possessed by the Herinaghs, be yet reduced to the Crown, because the statute of Chaunteries is not yet enacted in this kingdom; but certain it is, that these men possessed all the Glebe lands, which belongeth yearly to such as have care of souls: and therefore, when they shall be resumed, it were meet they should be added to the parsonages and vicarages, whereby they may be found competent livings for able ministers, which may be placed hereafter in these parts; for now, albeit there be in every parish both a parson and a vicar, yet both their livings, being put together, are not sufficient to feed an honest man. For the tythes of every parish within the diocese of Clogher, which comprehendeth Monaghan and almost all Fermannagh, are divided into four parts, whereof the parson being

commonly

commonly no priest hath two parts; the vicar, who is ever a priest and serveth the cure, hath one fourth part; and the bishop hath another fourth part, which God knoweth in these poor waste countrys doth arise to very small portions. And thus we found the state of the Churchland in this country.

Touching M'Guyre's Menfall lands, which were free from all common charges and contributions of the country, because they yielded a large proportion of butter and meal, and other provisions for M'Guyre's table. Albeit the jury and other inhabitants did set forth these Menfall lands in certainty, which, lying in several Baronies, did not in quantity exceed four Bal-libetags, the greatest thereof being in the possession of one M'Manus and his sept, yet touching the certainty of the duties or provisions yielded unto M'Guyre out of these menfall lands; they referred themselves unto an old parchment roll, which they called an indenture, remaining in the hands of one O'Bristan, a chonicler and principal brehon of that country: whereupon O'Bristan was sent for, who lived not far from the camp, but was so aged and decrepid, as he was scarce able to repair unto us: when he was come, we demanded of him the sight of that ancient roll, wherein, as we were informed, not only the certainty of M'Guyre's menfall duties did appear, but also the particular rents and other services, which were answered to M'Guyre out of every part of the country. The old man seeming to be much troubled with this demand, made an-

swer

swer, that he had such a roll in his keeping before the war, but that in the late rebellion, it was burned among other of his papers and books, by certain English soldiers. We were told by some that were present, that this was not true; for they affirmed that they had seen the roll in his hands since the war: thereupon my Lord Chancellor (being then present with us) for he did not accompany my Lord-Deputy to Ballishannon, but staid behind in the camp) did minister an oath unto him, and gave him a very serious charge to inform us truly what was become of the roll. The poor old man, fetching a deep sigh, confessed that he knew where the roll was, but that it was dearer to him than his life; and therefore he would never deliver it out of his hands, unless my Lord Chancellor would take the like oath, that the roll should be restored unto him again: my Lord Chancellor, smiling, gave him his word and his hand that he should have the roll redelivered unto him, if he would suffer us to take a view and a copy thereof: And thereupon the old Brehon drew the roll out of his bosom, where he did continually bear it about him: it was not very large, but it was written on both sides in a fair Irish character; howbeit, some part of the writing was worn and defaced with time and ill keeping: we caused it forthwith to be translated into English, and then we perceived how many vessels of butter, and how many measures of meal, and how many porks, and other such gross duties, did arise unto M'Guyre out of his mensall lands; the particulars whereof I could have expressed, if I had

not lost the translated copy of the roll at Dublin; but these trifles are not worthy to be presented to your Lordship's knowledge. It is sufficient to shew of what *qualis* those mensall duties are, and for the quantity thereof, though it were great, in respect of the land out of which these provisions were taken, which being laid altogether doth not exceed four ballibetags (as I said before), yet such commodities in those parts are of little or no value, and therefore he never made any civil use of them, but spent them wastfully in a fordid and barbarous manner, among his loose and idle followers: beside these mensalls, M'Guyre had 240 beeves, or thereabouts, yearly paid unto him out of all the 7 baronies, and about his castle of Enniskillen he had almost a ballibetagh of land, which he manured with his own churles: and this was M'Guyre's whole estate in certainty, for in right he had no more, and in time of peace he did exact no more, marry in time of war he made himself owner of all, cutting what he listed, and imposing as many bonaghtes, or hired soldiers, upon them, as he had occasion to use: for albeit Hugh M'Guyre that was slain in Munster were indeed a valiant rebel, and the stoutest that ever was of his name: notwithstanding generally the natives of this county are reputed the worst swordsmen of the North, being rather inclined to be scholars, or husbandmen, than to be kerne, or men of action, as they term rebels in this kingdom; and for this cause M'Guyre in the late wars did hire and wage the greatest part of his soldiers out of Conaught, and out of the Brenie O'Relie, and made his own countrymen
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feed them, and pay them; and therefore the jury enquiring of Escheates, found only two freeholders in this country, besides Hugh M'Guyre himself, to have been slain in the late rebellion. Hereby your Lordship may perceive what manner of Lord M'Guyre should have been, and what means and power he should have had to do hurt, if the state here had in former times but looked into the state of this country, and had established the English laws and justice among them, whereby every man might have enjoyed his own: and your lordship may likewise conjecture of what greatness the best of this surname will be, when the chiefry of this country shall be divided between two M'Guyres, and the freeholders shall be established in their possessions without any dependancy upon the Lords, paying only their certain rents and duties. Assuredly these Irish Lords appear to us like glow worms, which afar off seem to be all fire; but, being taken up in a man's hands, are but silly worms: and yet this young Coconaught M'Guyre (whose brother Hugh was the alpha, and himself the omega of the last rebellion: for Hugh was the first that went out, and himself the last that came in), will in no wise be satisfied with the greatest part of the chiefry of his country; such is the pride of his own heart, and such is the encouragement he receives from some of place and power in this kingdom: and to the end he might be thought a person fit to be pleased with extraordinary good terms, he gave out a false alarm, some few days before our coming into Fermanagh, that himself

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with the Earl of Tirconnell were going into Spain, a common and poor Irish policy practised in this realm, ever since the conquest, to amuse the state with rumours, that are utterly false, which notwithstanding, in former times, hath prevailed to do hurt in this kingdom, according to the observation and saying of the old Cardinal of Lorraine, *that a lie, believed but for an hour, doth many times produce effects of seven years continuance.* I have digressed a little too much in this place, for which I humbly crave pardon, if your Lordship shall not think it pertinent to this discourse, wherein I meant to set forth the quality and quantity of M^cGuyres menfall duties.

Concerning the free lands of the third kind, viz. such lands as are possessed by the Irish officers of this country, viz. chroniclers, galloglassses, and rimers: the entire quantity of it, laid together as it is scattered in fundry baronies, doth well nigh make two ballibetags, and no more; which land in respect of the persons that merit no respect, but rather discountenance from the state, for they are enemies to the English government, may perhaps be thought meet to be added to the demesne lands of the chief Lords.

In this manner we distinguished the possessions of Fermanagh, which being drawn into method, we presented to my Lord-Deputy upon his return.

For the several possessions of all these lands, we took this course to find them out, and set them down
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for his Lordship's information : we called unto us the inhabitants of every barony severally ; beginning with the barony of Magherie Boy, wherein we camped, and so calling one barony after another, we had present certain of the clerks or scholars of the country, who know all the septs and families, and all their branches, and the dignity of one sept above another, and what families or persons were chief of every sept, and who were next, and who were of a third rank, and so forth, till they descended to the most inferior man in all the baronies : moreover, they took upon them to tell what quantity of land every man ought to have by the custom of their country, which is of the nature of gavel kind, whereby, as their septs or families did multiply, their possessions have been from time to time divided and subdivided, and broken into so many small parcels as almost every acre of land hath a several owner, which termeth himself a Lord, and his portion of land his country : notwithstanding as M'Guyre himself had a chiefry over all the country, and some demesnes, that did ever pass to him only who carried that title ; so was there a chief of every sept, who had certain services, duties, or demesnes, that ever passed to the tannist of that sept, and never was subject to division. When this was understood, we first enquired whether one or more septs did possess that barony, which we had in hand ; that being set down, we took the names of the chief parties of the sept or septs that did possess the baronies, and also the names of such as were second in them, and so of others that

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were inferior unto them again, in rank, and in possessions.

Then, whereas every barony containeth seven ballibetags and a half, we caused the name of every ballibetagh to be written down, and thereupon we made enquiry what portion of land, or services, every man held, in every ballibetagh; beginning with such first, as had land and services; and after naming such as had the greatest quantity of land, and so descending unto such as possess only two taths, there we staid, for lower we could not go; because we knew the purpose of the state was only to establish such freeholders as were fit to serve on juries, at least we had found by experience in the county of Monaghan, that such as had less than two taths allotted unto them had not 40s. freehold per ann. ultra reprimam; and therefore were not of competent ability for that service: and yet, the number of freeholders named in this county was above 200.

And in this order and method we digested the business, touching the possessors and possessions of this county of Fermanagh, which we presented to my Lord-Deputy upon his return from Ballishannon: his Lordship having received it, and taken some consideration of it, called the principal inhabitants before him in the camp: told them that he came on purpose to understand the state of every particular man in that country, to the end he might establish and settle the same, according to his Majesty's directions out of England, and that he had received some information thereof,

which gave him some good satisfaction; howbeit that he would not suddenly take any final order touching the same, but would resolve what was fit to be done, and finish his service the next term at Dublin: his Lordship's speech and good demonstration to the people gave them great contentment.

It remains I should inform your Lordship, somewhat of the service performed by the Justices of Assize in this county: albeit they had little to do here, no matter being prepared for them to work upon: for the gaol delivery must needs be quickly dispatched, where there were no justices of peace that had either the will, or the skill to commit malefactors, and where there was no gaol of any fastness to keep them, being committed: howbeit we had a full appearance of all the country, and there came in upon recognizances taken unskilfully enough by the Sheriff and other Irish Justices of peace, twenty persons in number or thereabouts; the greatest part whereof were loose and idle people bound over to find masters or sureties for their behaviour, others were committed for felonies, whereof some few were indited, but in the end all were acquitted for want of evidence, which happened by the negligence of the justices of peace, who had not bound their accusers to prosecute against them: we rebuked the justices of peace for this omission, and imposed fines upon them; and so ended our gaol delivery. Then made we the like inquisition here, touching ecclesiastical livings, and published the like orders for
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the civil government of their country, as we had done in Monaghan, and so dissolved our sessions. The erecting of a free school in this county was deferred 'till the coming of the Bishop of Clogher. The building of a gaol and sessions house was likewise respited until my Lord-Deputy had resolved of a fit place for a market and a corporate town; for the habitations of this people are so wild and transitory, as there is not one fixt village in all this county. His Lordship took a view of two or three places for that purpose, of which he conceiveth the Abbey of Lefgole to be the fittest; and I conjecture, that the next term, when the principal gentlemen of this country shall repair to Dublin to settle their estates, his Lordship will make choice of that place for the shire town of this county, and then take order for the erecting of a gaol, and house of sessions there.

Having spent six or seven days in this waste country, we raised our camp, and returned the same way, which we had passed before, into the county of Monaghan, and lodging the second night not far from the Abbey of Clonays, we came the third day to Cavan, and pitched our tents on the south side of that poor Irish town. The appearance of this place was very full, for not only the natives of the county of Cavan, but also, many inhabitants of Westmeath and other parts of the pale bordering upon this country, whereof some pretended title to land, others came to demand debts, and others to give evidence against felons repaired to this sessions, the chief of which was the Baron of Delvyn, who came attended with many followers.

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My Lord Deputy having a purpose to pursue the same course in the service here, which had been holden in the other two counties, caused forthwith a commission to be drawn and passed the Seal, whereby the Judges of assize, and others, were authorised to enquire of all lands escheated to the crown in this county by attainder, outlawry, or actual killing in rebellion of any person: or by any other means whatsoever. For the dispatch of this business, a jury was impanelled of the best Knights and Gentlemen that were present; whereof some were foreign inhabitants of the pale; and, yet freeholders of this county; and the rest were the chief of every Irish Sept, natives of this county; we received two presentments from them: the first of sundry freeholders, who were slain in the late rebellion, and of such lands as they were severally seized of at the same time of their killings: The second was, that Philip O'Relie, who was according to the custom of the country, created O'Relie, and was Lord or Chieftain of the whole country, being seized of all lands, tenements, and hereditaments in Breny O'Relie, *in Dominio suo ut de feodo & jure* (for these are the words of the inquisition), was slain in actual rebellion: and, again they found, that after the death of Phillip, one Edmund O'Relie, was, after the like custom of the country, created O'Relie, and was in like manner seized of the country; and being so seized, was slain in rebellion; also they found lastly, that Sir John O'Relie, who was Chieftain and Tannist of the country, long before Phillip and Edmond did adhere to
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the Earl of Tyrone, and other rebels; and died an actual rebel against the crown. This Inquisition was found with some difficulty, because the jurors themselves, all claiming and pretending to be freeholders of land within that county, were jealous, lest their particular freeholds might be found escheated by this office; because, in time of rebellion, these Lords or Chieftains, by their Irish cuttings and exactions took the profits of the whole country at their pleasure, and so might be said to be seized of all the country in Demesne, when they were slain in rebellion: But some of the jury being learned in the law, informed the rest, that by the words *in dominio suo ut de feodo & jure*; not only lands in Demesne, or possession, but a seniory or cheifry may be understood, and thereupon they were content to put their seals to the Inquisition, which being drawn and engrossed in parchment, by one of the Commissioners, was presented unto them. By these two offices the greatest part of this county, if not all, is vested in possession of the crown; but because my Lord Deputy conceived his Majesty's pleasure to be, that the natives of the country, to whom his Highness hath granted his general pardon, shall be re-established in their possessions, which they peaceably held, before the late war (albeit I do not understand that his Lordship hath any particular direction touching the disposition of this country of Breny O'Relie); his Lordship therefore thought fit to look back to the time before the rebellion; and to inform himself how every man's possession stood at that time

time, and thereupon commanded of us to take the like pains as were taken in Fermannagh, and in the like order and method to distinguish the possessors and possessions of this country, which was the more easily performed, because in the Irish countries, where the custom of tannistry is not extinguished, the tenures are every where alike. There is first a general chieftain of every country, or territory, which hath some demesnes, and many household provisions yielded unto him by all the inhabitants; under him every sept or surname hath a particular chieftain, or tannist, which has likewise his peculiar demesnes and duties, and their possessions go by succession or election entirely, without any division: but all the other lands, holden by the inferior inhabitants, are partable in course of Gavelkind, wherein there is no difference made between legitimate sons and bastards; and therefore both these customs, both of Tannistry and Gavelkind, in this kingdom, are lately, by the opinion of all the Judges here, adjudged to be utterly void in law*; and as they are void, so shall they be shortly avoided and extinguished, either by surrender or resumption of all the lands which are so holden.

* In Hilary Term, 3. of James I. See Sir J. Davies's Reports, p. 40. The Irish Gavelkind, which was extremely different from the same custom in Kent, was declared by all the Judges to be void in law; not only for its *inconvenience* and *unreasonableness*, but because it was a mere personal custom, which tended to alter the descent of inheritances, contrary to the course of the common law, which King James had, with a wise policy, extended over all the Irish countries.

My Lord-Deputy having received the like survey of the lands, and the like distinction or list of the freeholders in this county, as was presented to his Lordship in M'Guire's country, deferred the disposing and settling thereof until his return to Dublin, having a purpose in Michaelmas term to make a perfect establishment of these three counties.

The state of the lay possessions being discovered, we did not omit to enquire of the number and value of the parsonages and vicarages, of the reparation of the churches, and of the quality of their incumbents; by which inquisition we found, that the greatest number of the parsonages are appropriate unto two great abbeyes lying within the English pale, viz. the abbey of Fower in Westmeath, granted to the Baron of Delwyn, and the abbey of Kells, whereof one Gerarde Flemynge is farmer. To the first of these fourteen parsonages within this county are appropriate, and to the other eight, besides there are two or three more belonging in like manner to the abbey of Cavan, in this county, being now in possession of Sir James Dillon. As for the vicarages, they are so poorly endowed, as ten of them being united will scarce suffice to maintain an honest minister. For the churches, they are for the most part in ruins; such as were presented to be in reparation, are covered only with thatch. But the incumbents, both parsons and vicars, did appear to be such poor, ragged, ignorant creatures (for we saw many of them in the camp), as we could not esteem any of them worthy of the meanest of those livings,

livings, albeit many of them are not worth above 40s. per annum. This country doth lie within the diocese of Kilmore, whose bishop (Robert Draper) was and is parson of Trym, in Meath, which is the best parsonage in all the kingdom; and is a man of this country birth, worth well nigh 400l. a year: he doth live now in these parts, where he hath two bishoprics; but there is no divine service or sermon to be heard within either of his dioceses. His Lordship might have saved us this labour of enquiry, touching matters ecclesiastical, if he had been as careful to see the churches repaired and supplied with good incumbents, as he is diligent in visiting his barbarous clergy, to make benefit out of their insufficiency, according to the proverb, which is common in the mouth of one of our great bishops here: *that an Irish Priest is better than a milch cow.*

Lastly, our gaol-delivery was greater in this county, and the civil causes were more in number, and of better consideration and value than those that did arise in the other two shires, which we had past before; yet we finished all our business here within five or six days, and after returned to Dublin about the 22d of August. This report of our service in the county of Cavan, I have contracted and delivered summarily, as well for that I doubt I have been too large in the preceding discourse, as also, because we held an uniform proceeding, and did, in a manner,

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the same things which we had performed in the other places of sessions.

Now, may it please your Lordship, upon consideration of the whole matter, in my weak apprehension, I conceive thus much: That if my Lord-Deputy do finish these beginnings, and settle these countries, as I assure myself he will, this will prove the most profitable journey for the service of God and his Majesty, and the general good of this kingdom, that hath been made in the time of peace by any deputy these many years: for first, his Lordship having gotten a true and clear understanding of the state of the clergy in these parts, many will take a direct speedy course for the planting of religion among these rude people, who are apt to take any impression; for his Lordship, knowing the number and value of the benefices, in every county, may cause an union, or rather a sequestration to be made of so many as will make a competent living for a sole minister; then may he give order for building of as many churches as there shall be competent livings for ministers in that county. And this preparation being made, his Lordship may lastly provide sufficient incumbents to serve in these churches.

Next, for his Majesty's profit, there will be revived, and assured unto the crown, 500l. per ann. out of Monaghan; which, though it was formerly reserved, was never paid to the King's coffers: and out of the other

two counties there will be raised 500l. a year now, at least, for rent and composition. Besides, the crown is restored to all the patronages of ecclesiastical promotions, which heretofore were usurped by the Pope, and utterly neglected by the state here. Lastly, his Majesty shall have wardships, escheats, fines, amercements, and other casualties, which were never had nor heard of before in these parts.

Finally, for the common good, not only of these parts, but of all the kingdom besides, his Lordship, in this journey, hath cut off three heads of that hydra of the North, namely, M'Mahown, M'Guyre, and O'Relie: for these three names of chiefry, with their Irish duties and exactions, shall be utterly abolished; the customs of tannistry and gavelkind, being absurd and unreasonable, as they are in use here, and which have been the cause of many murders and rebellions, shall be clearly extinguished; all the possessions shall descend and be conveyed, according to the course of the common law; every man shall have a certain home, and know the extent of his estate; whereby the people will be encouraged to manure their land with better industry than heretofore hath been used, to bring up their children more civilly, to provide for their posterity more carefully; these will cause them to build better houses for their safety, and to love neighbourhood; thence will arise villages and towns, which will draw tradesmen and artificers; so as we conceive a hope, that these countries, in a short time,

will not only be quiet neighbours to the pale, but be made as rich and as civil as the pale itself.

This is the effect of the service, which was performed in that journey, which my Lord Deputy made into Ulster this summer vacation, whereof I have made unto your Lordship a broken and disjointed relation, for which I humbly crave pardon; the rather, because I was continually interrupted in the writing thereof, being employed, upon my return out of the North, together with my Lord Chief Justice, in a new commission of assize and nisi prius for the counties of Waterford, Wexford, and Wicklow; so as I have been enforced to take fractions and starts, and almost instants of time, to finish the several periods of this rude discourse; in which, notwithstanding, I hope your Lordship will, according to your wonted noble disposition to me, accept in good part: And so, with the presentation of my humble service, I leave your Lordship to the Divine preservation.

J O. D A V I E S,

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F R O M

SIR JOHN DAVIES

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ROBERT EARL OF SALISBURY,

CONCERNING THE STATE

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1610.

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SIR JOHN DAVIES.

My most honourable good Lord,

THOUGH I perform this duty, of advertising your Lordship how we proceed in the plantation of Ulster, very late ; yet cannot I accuse myself either of sloth, or forgetfulness, in that behalf ; but my true excuse is, the slow dispatch of Sir Oliver Lambert from hence, into whose hands I thought to have given these letters more than a month since.

In the perambulation which we made this summer over the escheated counties in Ulster, we performed four principal points of our commission.

1. First, the land assigned to the natives, we distributed among the natives, in different quantities and portions, according to their different qualities and deserts.

2. Next, we made the like distribution of the lands allotted to the servitors,

3. Thirdly,

3. Thirdly, we published by proclamation in each county, what lands were granted to British undertakers, and what to fervitors, and what to natives: to the end that the natives should remove from the precincts allotted to the Britons, whereupon a clear plantation is to be made of English and Scottish, without Irish, and to settle upon the lands assigned to natives and fervitors, where there shall be a mixed plantation of English and Irish together.

4. Lastly, to the British undertakers, who are for the most part come over, we gave seizen and possession of their several portions; and assigned them timber for their several buildings.

We began at the Cavan, where (as it falleth out in all matters of importance) we found the first access and entry into the business the most difficult. Of our proceeding here, my report to your Lordship shall be the larger, because the best precinct in this county fell to your Lordship's lot to be disposed; and the undertakers thereof do still expect to be by your Lordship countenanced and protected. The inhabitants of this country do border upon the English pale, where they have many acquaintances and alliances; by means whereof they have learned to talk of a freehold, and of estates of inheritance, which the poor natives of Fermannagh and Tyrconnel could not speak of; although these men had no other, nor better estate than they; that is, only a scambling and transitory

itory possession, at the pleasure of the chief of every sept.

When the proclamation was published touching their removal (which was done in the publick session-house, the Lord Deputy and Commissioners being present), a lawyer of the pale, retained by them, did endeavour to maintain that they had estates of inheritance in their possessions, which their chief lords could not forfeit; and therefore, in their name, desired two things: first, that they might be admitted to traverse the offices which had been found of those lands; secondly, that they might have the benefit of a proclamation made about five years since, whereby the persons, lands, and goods, of all his Majesty's subjects, were taken into his royal protection.

To this the King's attorney, being commanded by the Lord Deputy, made answer: That he was glad that this occasion was offered, of declaring and setting forth his Majesty's just title, as well for his Majesty's honour (who, being the most just Prince living, would not dispossess the meanest of his subjects wrongfully, to gain many such kingdoms), as for the satisfaction of the natives themselves, and of all the world; for his Majesty's right, it shall appear, said he, that his Majesty may and ought to dispose of these lands, in such manner as he hath done, and is about to do, in law, in conscience, and in honour.

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In law ; whether the case be to be ruled by our law of England, which is in force ; or by their own Brehon law, which is abolished and adjudged no law, but a lewd custom.

It is our rule in our law, that the King is Lord Paramount of all the land in the kingdom ; and that all his subjects hold their possessions of him, mediate or immediate.

It is another rule of our law, that where the tenant's estate doth fail and determine, the lord of whom the land is holden may enter, and dispose thereof at his pleasure.

Then those lands in the county of Cavan, which was O'Relie's country, are all holden of the King ; and because the captainship or chiefry of O'Relie is abolished by act of parliament, by stat. 2d of Elizabeth ; and also because two of the chief lords elected by the country have been lately slain in rebellion (which is an attainder in law), these lands are holden immediately of his Majesty.

If then the King's Majesty be immediate chief lord of these lands, let us see what estates the tenants or possessors have, by the rules of the common law of England,

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Either they have an estate of inheritance, or a lesser estate; a lesser estate they do not claim; or if they did, they ought to shew the creation thereof, which they cannot do.

If they have an estate of inheritance, their lands ought to descend to a certain heir; but neither their chiefries, nor their tenancies, did ever descend to a certain heir; therefore they have no estate of inheritance.

Their chiefries were ever carried, in a course of tannistry, to the eldest and strongest of the sept, who held the same during life, if he were not ejected by a stronger.

This estate of the chieftain or tannist hath been lately adjudged no estate in law, but only a transitory and scrambling possession.

Their inferior tenancies did run in another course, like the old gavelkind in Wales, where the bastards had their portions, as well as the legitimate; which portion they held not in perpetuity, but the chief of the sept did once in two or three years shuffle and change their possessions by new partitions and divisions; which made their estates so uncertain, as that, by opinion of all the judges in this kingdom, this pretended custom of gavelkind is adjudged and declared void in law.

And

And as these men had no certain estates of inheritance, so did they never till now claim any such estate, nor conceive that their lawful heirs should inherit the land which they possessed ; which is manifest by two arguments : 1. They never esteemed lawful matrimony, to the end they might have lawful heirs ; 2. They never did build any houses, nor plant orchards, or gardens, nor take any care of their posterities. If these men had no estates in law, either in their mean chiefries, or in their inferior tenancies, it followeth, that if his Majesty, who is the undoubted lord paramount, do seize and dispose these lands, they can make no title against his Majesty or his patentees, and consequently cannot be admitted to traverse any office of those lands ; for, without shewing a title, no man can be admitted to traverse an office.

Then have they no estates by the rules of the common law ; for the Brehon law, if it were a law in force, and not an unreasonable custom, is abolished ; yet, even by that Irish custom, his Majesty, having the supreme chiefrie, may dispose the profits of all the lands at his pleasure, and consequently the land itself ; for the land, and the profit of the land, are all one ; for he that was O'Relie, or chieftain of the country, had power to cut upon all the inhabitants, high, or low, as pleased him ; which argues they held their lands of the chief lord in villainage, and therefore they are properly called natives ; for *nativus*, in our old register of writs, doth signify a *villein* ; and the

writ to recover a villein is entitled, *De nativo habendo*; and in that action the plaintiff doth declare that he and his ancestors, time out of mind, were wont *tallier baut & bas* upon the villein, and his ancestors; and thence comes the phrase of *cutting*, used among the Irish at this day.

Thus then it appears, that as well by the Irish custom, as the law of England, his Majesty may, at his pleasure, seize these lands, and dispose thereof. The only scruple which remains consists in this point:--- Whether the King may, in conscience, or honour, remove the ancient tenants, and bring in strangers among them.

Truly his Majesty may not only take this course lawfully, but is bound in conscience so to do.

For being the undoubted rightful King of this realm, so as the people and land are committed by the Divine Majesty to his charge and government, his majesty is bound in conscience to use all lawful and just courses to reduce his people from barbarism to civility: the neglect whereof, heretofore, hath been laid as an imputation upon the crown of England. Now civility cannot possibly be planted among them, but by this mixt plantation of civil men, which likewise could not be without removal and transplantation of some of the natives, and settling of their possessions in a course of common law; for if themselves were suffered

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to possess the whole country, as their septs have done for many hundred of years past, they would never (to the end of the world) build houses, make townships, or villages, or manure, or improve the land as it ought to be; therefore it stands neither with Christian policy nor conscience, to suffer so good and fruitful a country to lie waste like a wilderness, when his Majesty may lawfully dispose it to such persons as will make a civil plantation thereupon.

Again, his Majesty may take this course in conscience, because it tendeth to the good of the inhabitants many ways; for half their land doth now lie waste, by reason whereof that which is habited is not improved to half the value; but when the undertakers are planted among them (there being place and scope enough both for them, and for the natives), and that all the land shall be fully stocked and manured, 500 acres will be of better value than 5000 are now. Besides, where before their estates were altogether uncertain and transitory, so as their heirs did never inherit, they shall now have certain estates of inheritance, the portion allotted unto them, which they, and their children after them, shall enjoy with security.

Again, his Majesty's conscience may be satisfied, in that his Majesty seeks not his own profit, but doth suffer loss by this plantation, as well in expence of his treasure as in the diminution of his revenue: for the entertainment of commissioners here and in England,

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and

and the extraordinary charge of the army for the guard of the Lord-Deputy and Council, in several journies made into Ulster about this business only, hath drawn no small sum of money out of his Majesty's coffers, within these three years : and whereas Tyrone did the last year yield unto his Majesty 2000l. for four years to come, it will yield nothing ; and afterwards the fee-farm of the undertakers will not amount to 600l. per annum.

Again, when a project was made for the division of that country about twenty years since, Sir John O'Relie being then chief lord and captain, they all agreed (before divers commissioners sent from the state to settle that country) that Sir John O'Relie should have two entire baronies in demesne, and 10s. out of every poll in the other five baronies ; which is much more than his Majesty, who hath title to all the land in demesne, as well as to the chiefry, hath now given to undertakers, or reserved to himself.

Lastly, this transplantation of the natives is made by his Majesty rather like a father than like a lord or monarch. The Romans transplanted whole nations out of Germany into France ; the Spaniards lately removed all the Moors out of Grenada into Barbary, without providing them any new seats there ; when the English Pale was first planted, all the natives were clearly expelled, so as not one Irish family had so much as an acre of freehold in all the five counties of the Pale : and now, within these four years past, the Greames were removed

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from the borders of Scotland to this kingdom, and had not one foot of land allotted unto them here : but these natives of Cavan have competent portions of land assigned unto them, many of them in the same barony where they dwelt before, and such as are removed are planted in the same county, so as his Majesty doth in this imitate the skilful husbandman, who doth remove his fruit trees, not with a purpose to extirpate and destroy them, but that they may bring better and sweeter fruit after the transplantation.

Those and other arguments were used by the Attorney to prove that his Majesty might justly dispose of those lands both in law, in conscience, and in honour ; wherewith the natives seemed not unsatisfied in reason, though they remained in their passions discontented, being much grieved to leave their possessions to strangers, which they had so long after their manner enjoyed ; howbeit my Lord-Deputy did so mix threats with entreaty, *precibusque minas regaliter addit*, as they promised to give way to the undertakers, if the Sheriff by warrant of the Commissioners did put them in possession : which they have performed like obedient and loyal subjects. Howbeit we do yet doubt that some of them will appeal into England, and therefore I have presumed to trouble your Lordship with this rude discourse at large, that your Lordship may understand upon what grounds we have proceeded, especially in that county where your Lordship's precinct doth lie.

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The eyes of all the natives in Ulster were turned upon this county : therefore when they saw the difficulty of the business overcome here, their minds were the better prepared to submit themselves to the course prescribed by his Majesty for the plantation ; and the service was afterwards performed in the rest of the counties with less contradictions. The British undertakers are preparing their materials for the erection of their buildings the next spring : the servitors and natives are taking out their letters patent with as much expedition as is possible. The agents for London have made better preparation for the erection of their new city at Colrane than expected : for we found there such store of timber and other materials brought in places, and such a number of workmen so busy, in several places, about their several tasks, as methought I saw Dido's colony erecting of Carthage, in Virgil.

Instant ardentes Tyrii : pars ducere muros,
Molirique arcem, & manibus subvolvere saxa :
Pars optare locum tecto, & concludere fulco.

.....
Fervet opus, &c.

Thus, craving pardon and presenting my humble service to your Lordship, I leave the same to the divine preservation and continue your Lordship's in all humble duties,

J O. D A V I E S.

Dublin, 8th Nov.

1610.

P O S T S C R I P T.

This worthy servitor, Sir Oliver Lambert, is like to prove a good planter in the county of Cavan; whereof he hath made better proof than any man of our nation, having, at his own charge, voluntarily made a singular good plantation in the wild and most dangerous places in Leinster, more for the commonwealth than his own profit.

SIR JOHN DAVIES'S

S P E E C H

TO THE

L O R D D E P U T Y

OF

I R E L A N D,

WHEN HE APPROVED OF HIM AS SPEAKER
OF THE COMMONS,

THE 2d. MAY, 1613.

SIR JOHN DAVIES'S
S P E E C H
T O T H E
LORD DEPUTY OF IRELAND.

Most Honourable and Right Noble Lord,

SINCE your high wisdom (unto which I humbly made my appeal) hath not thought it fit to repeal, but rather to ratify and confirm the judgment of these worthy knights and burgeses in electing me (yet still unworthy in my own opinion) to be their speaker (which your Lordship I doubt not hath been pleased to do, not in regard of any worthiness appearing in me, but for the honourable respect you worthily bear to that grave and wise assembly that made the election); I do humbly and absolutely submit myself to your Lordship's pleasure: and since these gentlemen have first conferred upon me, and now your Lordship hath confirmed unto me, the name and office of a speaker, I will presume (with your Lordship's grace and favour) to speak somewhat in this great and entire assembly of all the states of this kingdom, that shall be proper and agreeable

agreeable to the circumstances of the time, of the place and of the persons that are here assembled.

It is a saying, and a rule of the wisest king that ever lived, *ubi multa consilia, ibi salus populi*; and it is the direction of the wisest king now living, that a common council shall be holden at this time, and at this place, for the common good of the kingdom of Ireland.

Such common councils, or assemblies of states, are usual in all states and commonwealths in one form or another, and in divers countries are called by divers names; but under the English monarchy, and the French, which are the two best tempered monarchies in the world, they are called Parliaments.

These Parliaments, though they consist of three different estates, the King, the Nobility, and the Commons, yet, as in musick distinct and several notes do make a perfect harmony, so these Councils compounded of divers states and degrees being well ordered and timed, do make a perfect concord in a commonwealth. *Nam quæ harmonia dicitur a musicis in cantu, ea est in civitate concordia*, saith Cicero; and this concord and harmony of hearts doth ever produce the safety and security of the people, which is the *salus populi* that Solomon speaks of.

Whereof there cannot be a more certain demonstration than this, that these two kingdoms, which have been ruled by these Parliaments, are now the most ancient imperial monarchies of Christendom, and are
withal

withal two of the most flourishing commonwealths that are to be seen upon the face of the earth.

But what doth this concern this kingdom of Ireland, or what application hath it to the place and persons present? Assuredly when I speak of the monarchy of England, *I include the kingdom of Ireland within the circle of that imperial Crown.*

For the Kings of England no sooner were Lords of Ireland, but they made a real union of both these kingdoms, as is manifest by authentic records of the time of King John and King H. III. so as Ireland became but as a member, *quasi membrum Angliæ*, as it is resolved by all the justices in 3 H. VII. It became a member appendant and belonging, as the act of faculties 28 H. VIII. calls it, or united and annexed to the imperial Crown of the realm of England, as the statute of 33 H. VIII. (which gave to that prince the title of King of Ireland) doth term it.

And now at this day (God be blessed) the subjects of both realms have but one King, which is the renowned King of England; and are ruled and governed by one common law, which is the just and honourable common law of England; and as there is now but one common law, so for the space of 140 years after King H. II. had taken possession of the lordship of Ireland, there was but one Parliament for both kingdoms, which was the * * * * * all that time. But the laws made in the Parliaments of England were from time to time transmitted hither under the
great

great seal of that kingdom, to be proclaimed, enrolled, and executed as laws of this realm.

In this manner was the great charter of the ancient liberties of the English subjects, the statutes of Merton and Marlebridge, sent over by King John and King H. III. the statutes of Westminster, the first, second, and third, and the statute of Gloucester by King Edw. I. the statutes of Lincoln and of York by King Edw. II.

Amongst the rest, that of Westminster the second, and that of York, in their several preambles do make express mention of the people and land of Ireland, as well as of England, where the laws were made.

All which statutes, together with the warrants and writs, whereby they were transmitted, we find enrolled, and preserved to this day among the records of this kingdom.

But when then? how long since? in what King's reign was this great common council, this high Court of Parliament, erected first and established in Ireland?

Doubtless, though the rest of the ordinary courts of justice began with the first plantation of the English colonies here, yet the wisdom of the state of England thought it fit to reserve the power of making laws to the Parliaments of England for many years after.

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So as this high extraordinary court was not established in Ireland by authority out of England, for many years after in the form that now it is, till towards the declining of King Edward the Second's reign. For before that time, the meetings and consultations of the great lords with some of the commons, for appeasing of dissensions among themselves, though they be called Parliaments in the ancient annals, yet being without orderly summons, or formal proceedings, are rather to be called parlies than Parliaments.

But by what reason of state was the state of England moved to establish this court of Parliament in Ireland at that time ?

Assuredly this common council was then instituted, when Ireland stood most in need of council ; for under the conduct of Edward le Bruis, the Scottish nation had over-run the whole realm, England had the same enemy at her back, and the barons' rebellion in her bowels ; and so, being distracted in herself, could give neither consilium nor auxilium to the distressed subjects here ; so as they, being left to their own strength and Council, did then obtain authority from the state of England to hold this common council of the realm among themselves, for the quenching of that common fire, that had almost consumed the whole kingdom.

And this, by the testimony of the best antiquaries, was the first time, and first occasion of instituting this high court of Parliament in Ireland.

But

But now why should I not (with your Lordship's favour) proceed further, and take a brief view of the principal Parliaments that have been holden in Ireland since that time, and therein note and observe what were the motives from time to time of calling these common councils, and what and how many the persons were, that were wont to be called thereunto, that it may appear by way of comparison how far this Parliament is like to excel all former Parliaments holden in this kingdom, not only in the felicity of the time, but in all their circumstances whatsoever.

Certain it is, that the incursion of the Scots, and the insurrection of the Irish concurring with it, and the intolerable oppression and extortion of the great lords of the realm, under colour of maintaining that army, that should repel the one, and repress the other, brought such misery and desolation upon this land about the latter end of Edward the IIId.'s reign, as the English Colonies of the Provinces, without the English pale, fell for the most part into such corruption of manners, as it became a greater labour to reform them by the law, than to conquer their enemies by the sword.

Therefore in the beginning of the reign of King Edward III. Sir Anthony Lucye did summon and hold one Parliament, and Sir Ralph Ufford another, and the principal cause of holding both these Parliaments was to repress the insolencies, and reform the abuses of
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of the great lords descended of English race, of which the Earl of Desmond was the most exorbitant offender.

And after that, during the same King's reign, Sir Thomas Rookesby at one time, and Lionel Duke of Clarence at another, held several Parliaments at Kilkenny, which tended to no other end but to reduce the degenerate English in general from the barbarous customs of the Irish to their ancient civil manners, and the obedience of their true mother the state of England.

After this we find the same cause still to continue, of calling the succeeding Parliaments in this realm, until the wars of Lancaster and York began, which made a great alteration in both kingdoms.

For if you look into the parliament rolls of those times, which are mean between the 40th year of King Edward III. and the 30th year of King H. VI. we shall first find the statutes of Kilkenny confirmed in every Parliament, and then the laws of principal consideration are against coin and livery, fees of soldiers, night suppers, cumrick, and the like extortions, and lewd customs, which the English had learned among the Irish.

So as for the space of 140 years after the first erecting of this high court in Ireland, it is apparent that never any Parliament was called to reduce the Irish to obedience, or to perfect the conquest of the whole Island,

land, but only to reform the English Colonies that were become degenerate, and to retain the sovereignty of the Crown of England over them only, and to no other end or purpose.

But when the civil war in England between the two houses was thoroughly kindled, that fiery constellation made such an impression upon this realm also, as the Nobility following the several factions of England fell into the like dissension here, which gave the Irish opportunity to reconquer the greatest part of the English Colonies, who thereupon fell into such a relapse of barbarism, as the fruit of the former Parliaments was utterly lost, and no part of the realm but these four shires of the pale left under the obedience of the law of England.

But what did the governors of this kingdom then, when the jurisdiction of the law was drawn into so narrow a compass? Did they summon any more Parliaments, or did they omit to call the common council of the realm, for that the greatest part of the realm had rejected the English law and government?

Affuredly they were so far from that neglect, or omission, as Parliaments were never called so often, nor so thick one upon another, as in the times of King H. VI. and King Edward IV. for scarce there passed a year without a Parliament, and sometimes two or three Parliaments were summoned and held within the compass of a year, which was such a trouble and charge to the
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the subject, as a special law was made, that there should be but one Parliament held in a year.

But to what end did they call so many Parliaments? What matters did they handle in these common councils? Did they consult about the recovery of the Provinces that were lost; or about final subduing of all the Irish? We find no such matter at all propounded; but we find in the Parliaments in the rolls of that time, an extraordinary number of private bills and petitions answered and ordered in Parliament, containing such mean and ordinary matters, as, but for want of other business, were not fit to be handled in so high a court.

And such were the motives of calling the Parliaments in this kingdom, and the matters therein debated, during the wars of York and Lancaster, and after that likewise until the tenth year of King H. VII.

In that year, which was the tenth year after the uniting of the roses, as now it is full ten years since the uniting of the kingdoms under one imperial Crown (a happy period of time, we hope, for holding of a Parliament in this kingdom): In that year did Sir Edward Poyning summon and hold this famous Parliament, wherein doubtless he shewed a large heart, and a great desire of a general reformation, and to that end procured many general laws to pass, which we find most profitable and necessary for the commonweal at this day.

Among the rest, he caused two laws to be made,
 5 which

which may rightly be called *leges legum*, being excellent laws concerning the laws themselves, whereof one did look backward to the time past, and gave a great supply to the defects of former Parliaments, by confirming and establishing at once in this realm all the statutes formerly made in England.

The other looked forward to the time to come, by providing that from henceforth there should be no Parliament holden here, until the acts which should be propounded were first certified into England, and approved by the King and his Council there, and then returned hither under the great seal of that realm.

This latter act is that we call Poynings' act, and is indeed that act of Parliament, which is a rule for our Parliaments until this day.

But these acts passed by Sir Edward Poynings, though they were made and meant for the general good, and gave indeed the first overture for the general reformation that has followed since that time, yet could they not produce so good and great an effect as was intended by those laws, because that more than three parts of four of this kingdom at least were then and long after possessed by the Irish and unreformed English, which were not answerable to the law.

As for the principal Parliaments which have been holden since that time, during the reigns of King H. VIII. Queen Mary, and Queen Elizabeth (for King Edward

ward VI. did call no Parliament in Ireland); they were all summoned upon special and particular occasions, and not for the general settlement of the whole kingdom.

For to what end was the Parliament holden by the Lord Leonard Gray in 28 H. VIII. but to attain the Giraldines, and to abolish the usurped authority of the Pope?

Wherefore did Sir Anthony St. Leger call the next Parliament after in 38 H. VIII. but to invest that Prince with the title of King of Ireland, and to suppress the abbeyes and religious houses?

To what purpose did Thomas Earl of Suffex hold his first Parliament in 3 & 4 of King Philip and Queen Mary, but to settle Leix and Offaly in the Crown?

And his second in the second year of Queen Elizabeth, but to re-establish the reformed religion in this kingdom?

What was the principal cause that Sir Henry Sidney held a Parliament in the 11th year of Queen Elizabeth, but to extinguish the name of O'Neale, and entitle the Crown to the greatest part of Ulster?

And lastly, what was the chief motive of the last
U Parliament

Parliament holden by Sir John Perrott, but the attainder of two great peers of this realm, the Viscount Balinglas, and the Earl of Desmond, and for vesting of their lands, and the lands of their adherents, in the actual possession of the Crown?

And now having made a summary collection of the principal causes of summoning the former Parliaments, which from time to time have been holden since the first institution of this high court in Ireland, I must not forget to note also unto your Lordship, what and how many persons were called in former times to make up the body of this great council.

For the persons before the 33d year of King H. VIII. we do not find any to have had place in Parliament, but the English of blood, or English of birth only; for the mere Irish in those days were never admitted, as well because their countries lying out of the limits of counties, could send no knights, and having neither cities nor boroughs in them, could send no burgeses to the Parliament; besides, the state did not then hold them fit to be trusted with the counsel of the realm.

For the number since before the 34th year of King H. VIII. when Meath was divided into shires, there were no more than twelve counties in Ireland, besides the liberty of Tipperary; the number of knights must needs have been few; and since the ancient cities were but four, and the boroughs which sent burgeses not above
 4 thirty,

thirty, the entire body of the whole house of commons could not then consist of one hundred persons ; and though Queen Mary did add two shires, and Queen Elizabeth seventeen more, to increase the number of knights in that house, yet all did not send knights to the Parliament ; for the remote shires of Ulster returned none at all.

For the lords temporal, though they are yet but few, yet was the number less before King H. VIII. was styled King of Ireland ; for since that time divers of the Irish nobility, and some descended of English race, have been created both earls and barons.

And lastly, for the bishops and archbishops, though their number was greater than now it is, in respect to the divers unions made of latter years, yet such as were resident in the mere Irish countries, and did not acknowledge the King to be their patron, were never summoned to any Parliament.

And now, by way of comparison, it may easily appear unto your Lordship how much this first Parliament, now begun under the blessed government of our most gracious King James, is like to excel all former Parliaments, as well in respect of the cause and time of calling it, as of the persons that are called unto it.

For this Parliament (God be blessed) is not called to repel an invasion, or to suppress a rebellion, or to

reduce degenerate subjects to their obedience. It is not summoned to pass private bills only, or to serve private turns, or for any one special service for the Crown, though such have been the occasions and causes of calling the most part of the former Parliaments.

But now since God hath blessed the whole island with an universal peace and obedience, together with plenty, civility, and other felicities, more than ever it enjoyed in any former age ; this general council of the whole realm is called now principally to confirm and establish these blessings unto us, and to make them perpetual to our posterities.

Again, this Parliament is not called in such a broken and miserable time, that we need complain in our bills and petitions of the miseries and calamities of this kingdom ; whereas the rolls of former Parliaments are full of such complaint ; but it is called as it were in the year of jubilee, or upon the sabbath of this land, being now at rest after all her travails, which lasted 400 years together.

It is called in the time of greatest security, and in the most joyful and happy time that ever did shine upon the inhabitants of this kingdom.

Again, It is not called in such a time as when the
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four shires of the pale only did send their barons, knights, and burgessees to the Parliament, when they alone took upon them to make laws to bind the whole kingdom, neglecting to call the subjects residing in other parts of the realm unto them, as appeareth by that Parliament holden by the Viscount of Gormanston, which Sir Edward Poynings, in the tenth year of King Hen. VII. caused to be utterly repealed, and the acts thereof made void, chiefly for that the summons of Parliament went forth to the four shires of the pale only, and not unto all the rest of the counties.

But it is called in such a time, when this great and mighty kingdom, being wholly reduced to shire ground, containeth thirty-three counties at large; when all Ulster and Conaught, as well as Leinster and Munster, have voices in Parliament by their knights and burgessees; when all the inhabitants of the kingdom, English of birth, English of blood, the new British colony, and the old Irish natives, do all meet together to make laws for the common good of themselves and their posterities.

To this end his Majesty hath most graciously and justly erected divers new boroughs in sundry parts of this kingdom. I say his Majesty hath done it most justly, even as his Highness himself hath been pleased to say, that he was obliged in justice and honour to give all his free subjects of this kingdom indifferent and equal voices in making of their laws, so as one

half of the subjects should not make laws alone, which should bind the other half without their consents.

Neither is this a new or strange precedent, for his Majesty doth but follow the steps herein of his next predecessors which went before him.

Queen Mary made two counties of Leix and Offaly, whereby they were enabled to send knights to the Parliament; but she erected boroughs in these new counties also, that they might send burgessees as well as knights.

In Queen Elizabeth's time, Sir Henry Sidney made fundry counties in Conaught, immediately before the Parliament, which he held in the 11th year of that Queen.

And after him Sir John Perrott did the like in Ulster, near about the beginning of the last Parliament: out of these new counties, so many knights were added to the lowerhouse, yet no man took exception thereunto.

This did Queen Elizabeth in her time: what hath King James done now? Whereas the Queen had omitted to make boroughs in these new counties, the King hath now supplied that defect, by making these new corporations we speak of; for why should all your old shires have cities and boroughs in them, and these new counties be without them; or shall Queen Elizabeth be able to make a county, and shall not King James be able to make a borough?

But what proportion is there now observed between
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the number of the counties, that before this time had no boroughs in them, and the number of boroughs newly erected?

Certainly the number of these new boroughs, compared with the counties that never had any burgesſes before this time, doth carry a leſs proportion than the ancient boroughs, compared with the number of the ancient counties; for in thoſe twelve or thirteen old ſhires, there are thirty cities and boroughs at leaſt, which ſend citizens and burgesſes to the Parliament.

Whereas for ſeventeen counties at large, being more than half the ſhires of the kingdom, which had not one borough in them before this new erection, his Maſteſty hath now lately erected but forty new boroughs, or thereabouts, which in the judgment of all indifferent men muſt needs ſeem reaſonable, juſt, and honourable.

Laſtly, this Parliament is called in ſuch a time, when all the lords ſpiritual and temporal do acknowledge the King of England to be their undoubted patron; and when all the lords temporal do appear in an honourable faſhion like themſelves, none of them (God be thanked) claiming any ſuch privilege, as the undutiful Earl of Deſmond was wont to claim, that he ſhould never be ſummoned to come within any walled town, nor to any Parliament or grand council, but at his own will and pleaſure.

Whereupon, I may poſitively conclude, that this
U 4 present

present Parliament, now begun by your Lordship, doth pass and excel all former Parliaments that ever were holden in this kingdom, as well in the happiness of the time wherein it is called, and the importance of the cause for which it is called, as in the number and worthiness of the persons which are called thereunto.

And this doubtless is a great honour and happiness unto your Lordship above all the former viceroys of this kingdom, for that your Lordship doth now hold the first Parliament, that may justly be called a common council, wherein all the commons throughout the kingdom are present, and have free voices by their knights and burgessees; a felicity and a glory that many of your predecessors, zealous of the reformation of this kingdom, did exceedingly desire, but could never attain unto it.

How glad would Sir Henry Sidney have been to have seen this day; he that so much desired to reduce Ulster, but could never perfectly perform it: what honour would he have thought it unto himself, if he might have held a Parliament, unto which that province should have sent so many worthy knights and burgessees as now it doth?

How joyful would Thomas Earl of Suffex have been to have seen the statute he caused to be made for reducing the Irish countries into shire ground, to have taken so good effect as now it hath, since all these
countrie^s

countries are now brought into counties, and do all send knights to serve in this Parliament?

In a word, Sir Edward Poynings, in the time of King H. VII. and Lionel Duke of Clarence, in Edw. III's time, if they could have seen but half such an assembly in their Parliaments, would have thought themselves happy and highly honoured; and yet those Parliaments, holden by them, are the most famous Parliaments that have been formerly holden in this kingdom.

And truly, as your Lordship hath more honour in this respect than any of your predecessors, so I may justly say without adulation, that your Lordship hath merited this particular honour more than any of them that have gone before you.

For if it be an honour unto you to hold such a Parliament, you do but reap the fruit of your own labours, since yourself principally have prepared the way to this Parliament, as well by your martial virtue in time of war, as by your justice and policy in the time of peace.

For hath not your Lordship (I humbly crave your Lordship's pardon, I will not presume to ask you the question): but I will ask these reverend prelates and noble lords, these grave and learned judges, these worthy knights and burgessees; I will ask them the question: hath not this most noble deputy been a principal author
of

of the reformation of this kingdom : was not his fortitude one of the chief instruments for suppressing the late rebellion ; and hath not his justice since that time established the public peace of the kingdom ?

Hath he not acted his part so well upon this theatre of honour, as no man is ambitious to come upon the stage after him, knowing it is more easy to succeed him in his place, than to follow him in his painful and prudent course of government, and that he must be as strong as Hercules to undergo the burthen that such an Atlas hath borne before him ?

Nay, hath not himself performed Hercules' labours in suppressing more monstrous enormities in Ireland, than Hercules himself did destroy monsters, when he sought adventures over all Europe ?

I ask not these questions, as if any man here were doubtful or ignorant of his noble virtues and deserts ; but as praise is nothing but a reflection of virtue, so should it be delivered rather collaterally than directly, to avoid suspicion of direct flattery, which I know your Lordship loveth not, as I know your Lordship needs it not.

Nevertheless, Right Honourable Lord (for now I must convert my speech to your Lordship), though you have no need of my praise, yet it is most needful in respect of the place you hold, that your Lordship should be adorned with all praise-worthy virtues. You had need be
a vir-

a virtuous and most worthy deputy, since you sit in the throne, and represent the person of the most virtuous and excellent king in the world.

For he that doth fight with the sword of a king, write with the pen of a king; he that hath the justice, mercy, and bounty of a king in his hands, had need be furnished with those noble powers and virtues as are fit for the rule and government of a kingdom, especially if he hold the place of such a king as our most renowned and gracious Sovereign is, who is the greatest and best king that now reigneth upon the face of the earth.

I call him the greatest king, not so much for the largeness and extent of his territories, nor for the multitude of his subjects, though he be in possession of three great kingdoms, and doth command more martial and able men than any king in Europe at this day.

But I will call him indeed the greatest king for his exceeding great measure of goodness and virtue, and for the great grace and favour that his Majesty standeth in with the divine Majesty the King of Kings.

For if that man be accounted the greatest subject of a kingdom that is in highest favour with a king upon earth, why should not that king be the greatest king on earth that is in greatest favour with the King of Heaven?

And that our most gracious Sovereign standeth in highest favour with Almighty God, doth not only appear

pear by the innumerable blessings poured from heaven upon him, and upon his kingdoms for his sake, by the special providence and care God hath always had of his sacred person, by protecting and delivering him from his enemies.

Again, I will call his Majesty the best king, for that he is a most just king, and justice is the best of all kingly virtues; and for that also he is a most bountiful king, resembling therein the divine goodness, ever spreading and communicating his riches unto others, which we must needs remember in this kingdom; for we cannot forget it without ingratitude, since we all know that his Majesty doth not only expend the whole revenue of this land upon itself, but spares yearly out of England, a great mass of treasure to support the extraordinary charge thereof, out of which the greater number of us here present, by entertainments, pensions, or rewards, do taste every day of his Majesty's bounty.

Lastly, his Majesty ought to be called the best king, as well for his sweet inclination to peace, whereby he doth make happy both his own dominions, and also his neighbour kingdoms round about him, as for his singular piety and religion towards God, which is the best and highest praise that can be given to any Prince.

But I should launch forth into a main sea, that hath neither bottom nor shore, if I should proceed further
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in the praise of such a Prince, whose worthiness exceeds all degrees of comparison ; it is a theme too high and too large for me to handle : it becometh me better to give thanks than praise.

And, therefore, I will conclude with most humble thanks first unto Almighty God for giving us such an excellent king ; then unto our most gracious king for appointing us so worthy a deputy ; and lastly unto our noble deputy for all his good services and endeavours, tending so much to the honour of God and the King, and the general good of the whole kingdom.

And now I descend unto these humble petitions which I am to make, &c.

[Wherein he most humbly requesteth that the ancient rights and privileges of the house of commons, in freely delivering their speech and minds, and of being free from arrests, as well themselves as their servants, during the time of Parliament, might be kept whole and untouched ; and if that in any thing not well by them understood, they should happen to offend, he requesteth leave, as well for himself as for the rest, to have access unto his Lordship].

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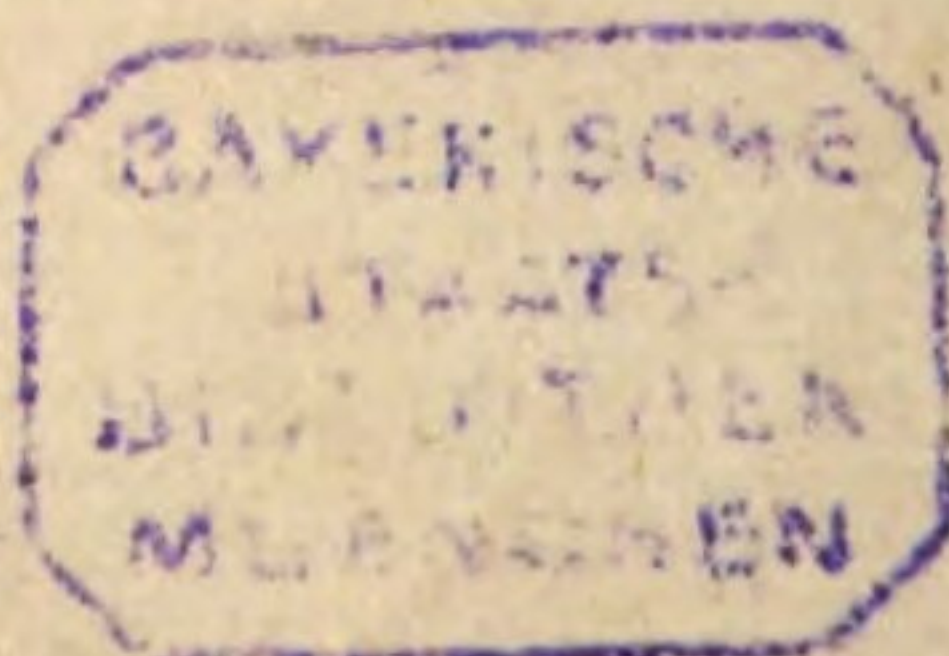
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